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OF THE

# STATE OF NEBRASKA

---

FIFTY-SEVENTH (EXTRAORDINARY) SESSION

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| Dist. | Name | Address | Occupation | Counties |
|---|---|---|---|---|
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| 33 | E. M. Neubauer | Orleans | Farmer, Stockman | Harlan, Furnas, Red Willow |
| 34 | Fred A. Mueller | Kearney | Automobile Dealer | Buffalo, Sherman |
| 35 | Harry F. Burnham | Ansley | Farmer and Ranchman | Custer, Loup, Garfield |
| 36 | D. S. Anderson | Lexington | Farming and Livestock | Dawson, Gosper, Phelps |
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| 41 | Harry E. Gantz | Alliance | Attorney | Dawes, Box Butte, Sioux |
| 42 | James H. Anderson | Scottsbluff | Lawyer | Scotts Bluff |
| 43 | Tom C. Osborne | Bayard | Farmer | Banner, Kimball, Cheyenne, Morrill |

## APPORTIONMENT

### Congressional Districts

First district consists of the counties of Richardson, Nemaha, Johnson, Pawnee, Gage, Lancaster, Saline, Jefferson, Thayer, Fillmore, Clay, Nuckolls, Webster, Adams, Kearney, Franklin, Phelps, Harlan, Furnas, Gosper, Frontier, Red Willow, Hitchcock, Hayes, Chase and Dundy.

Second district consists of the counties of Douglas, Sarpy, Cass, Otoe and Washington.

Third district consists of the counties of Burt, Thurston, Dakota, Dixon, Cuming, Dodge, Saunders, Seward, Butler, Colfax, Stanton, Wayne, Cedar, Knox, Pierce, Madison, Platte, Polk, York, Hamilton, Merrick, Nance, Boone and Antelope.

The fourth district consists of the counties of Boyd, Holt, Wheeler, Greeley, Howard, Hall, Buffalo, Sherman, Valley, Garfield, Keya Paha, Rock, Brown, Blaine, Loup, Custer, Dawson, Lincoln, Logan, Thomas, Cherry, Hooker, McPherson, Grant, Arthur, Keith, Perkins, Deuel, Garden, Sheridan, Dawes, Box Butte, Morrill, Cheyenne, Kimball, Banner, Scotts Bluff and Sioux.

**Legislative Districts**

District No. 1. The counties of Johnson, Pawnee, Richardson.

District No. 2. The counties of Otoe and Nemaha.

District No. 3. The counties of Sarpy and Cass.

District No. 4. Includes the following territory in the county of Douglas and the city of Omaha: All north of Bedford Avenue to Evans St. between 43rd, and 48th St.; all north of Evans St. between 44th St. and 48th St.; all north of Paxton St. between 44th St. and Florence Blvd.; all north of Ames Ave. between Florence Blvd. and the eastern corporate limits.

District No. 5. Includes the following territory in the county of Douglas and the city of Omaha: All north from Blondo Street to Lake between 49th and 50th Streets; north from Charles to Lake between 48th and 49th Streets; north from Charles to Bedford Ave. between 43rd and 48th Streets; north from Charles to Evans between 36th and 43rd Sts.; north from Evans to Paxton between 36th and 44th Streets; north from Cuming to Paxton St. between 30th and 36th Streets; north from Indiana to Paxton between 24th and 30th Streets; north from Nicholas to Paxton between 24th St. and Florence Blvd.; north from Nicholas to Ames between 16th St. and Florence Blvd.; north of Charles to Ames between 16th St. and the eastern corporate limits; and east Omaha.

District No. 6. Includes the following territory in the county of Douglas and the city of Omaha: All north of Pacific to Leavenworth, between Park Ave. and 30th St.; north from Pacific to Farnam between 20th St. and Park Ave.; north from Farnam to Indiana, between 24th and 40th Streets; north from Pacific to Nicholas, between 20th and 24th Streets; north from Pierce to Nicholas, between 16th and 20th Streets; north from Hickory to Charles between 10th and 16th Streets; north from Pine to Charles, between 10th Street and the eastern corporate limits.

District No. 7. Includes the following territory in the county of Douglas and the city of Omaha: All north from Hickory St. to Woolworth Ave., between 29th St. and Park Ave.; north from Hickory to Poppleton Ave., between 28th and 29th Streets; north from Hickory to Pacific, between 25th Ave. and 28th St.; north from Center to Pacific, between 24th St. and 25th Ave.; north from Center to Pacific, between 20th and 24th Streets; north from Center to Pierce, between 16th and 20th Streets; north from Center to Hickory, between 10th and 16th Streets; north from Center to Pine, between 10th Street and the eastern corporate limits; north from G to Center, between the Burlington RR east to the corporate limits; north from H to G, be-

tween the Burlington RR and 27th Street; all south of G, to the corporate limits, between 24th St. and its extension to the Burlington on U St., east to the corporate limits.

District No. 8. Includes the following territory in the county of Douglas and the city of Omaha: North from Woolworth Ave. to Pacific St., between 63rd and 66th Streets; north from Center to Pacific, between 60th and 63rd Sts.; north from Spring to Pacific, between 52nd and 60th Streets; north from F to Pacific, between 46th Ave. and 52nd St.; north from F to Pacific, between 42nd St. to 46th Ave.; north from F to Center, between 42nd St. and the Burlington RR; north from Center to Leavenworth, between 30th and 42nd Streets; north from Poppleton Ave., to Pacific St., between 28th and 30th Streets; north from Woolworth to Poppleton, between 29th and 30th Streets; north from Hickory to Woolworth, between Park Ave. and 30th St.; north from Center to Hickory, between 25th Ave. and 30th St.; north from H to F, between 42nd St. and the Burlington RR; north from H to G, between 24th and 27th Sts.; north from Madison to H, between 42nd and 24th and its extension to the RR; north from Harrison to Madison, between 45th St., and the Burlington RR.

District No. 9. Includes the following territory in the county of Douglas and the city of Omaha: North from Pacific to Howard, between the western corporate limits and 60th St.; north from Pacific to Dodge, between 56th and 60th Streets; north from Pacific to Charles, between the western corporate limits and 56th Ave.; north from Leavenworth to Charles, between 46th Ave. and 36th Street; north from Leavenworth to Cuming, between 30th and 36th Streets; north from Leavenworth to Farnam, between 30th and Park Ave.

District No. 10. Includes the following territory in the county of Douglas and the city of Omaha: North from Charles to Blondo, between western corporate limits and 49th St.; north from Blondo to Lake, between 66th St. and 50th Streets; all north of Lake between 72nd St. and 48th St.; and all of the rural precincts.

District No. 11. Includes Dodge and Washington.

District No. 12. Includes Cuming and Burt.

District No. 13. Includes Dakota, Thurston and Dixon.

District No. 14. Includes Cedar and Knox.

District No. 15. Includes Pierce and Madison.

District No. 16. Includes Stanton, Wayne and Colfax.

District No. 17. Includes Butler and Saunders.

District No. 18. Includes the following territory in the county of Lancaster and the city of Lincoln: All north of Potter between 22nd and 29th; all north of Vine between 29th and 58th; all north of R between 58th and 63rd; all east of 63rd within the corporate limits of the city of Lincoln; all of the country precincts of Lancaster county except Garfield.

District No. 19. Includes the following territory in the county of Lancaster and the city of Lincoln: Territory west of 29th between Potter and Vine to 22nd; west of 28th between Vine and O to 22nd; west of 27th between O and Randolph to 22nd; west of 22nd and north of Randolph and extension thereof on G to 14th, and west of 17th, between G and D to 14th, all west of 14th, and north of A to corporate limits, and Garfield precinct of Lancaster county.

District No. 20. Includes the following territory in the county of Lancaster and the city of Lincoln: All west of 14th, and south of A to corporate limits, all south of D between 14th and 17th, all south of G and its extension on Randolph between 17th and 22nd, all south of Randolph between 22nd and 27th, all south of Vine between 28th and 33rd to O, all east of 33rd between Vine and O, all east of 27th between O and Randolph, all south of Randolph and east of 27th to corporate limits.

District No. 21. The county of Gage.

District No. 22. The counties of Thayer and Jefferson.

District No. 23. The counties of Fillmore and Saline.

District No. 24. The counties of York and Seward.

District No. 25. The counties of Hamilton, Polk and Clay.

District No. 26. The counties of Nance and Platte.

District No. 27. The counties of Antelope and Boone.

District No. 28. The counties of Holt, Boyd, Keya Paha and Rock.

District No. 29. The counties of Wheeler, Greeley, Valley and Howard.

District No. 30. The counties of Hall and Merrick.

District No. 31. The counties of Kearney and Adams.

District No. 32. The counties of Franklin, Webster and Nuckolls.

District No. 33. The counties of Harlan, Furnas and Red Willow.

District No. 34. The counties of Buffalo and Sherman.

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| District No. 35. | The counties of Custer, Loup and Garfield. |
| District No. 36. | The counties of Dawson, Gosper and Phelps. |
| District No. 37. | The counties of Perkins, Chase, Hayes, Dundy and Hitchcock. |
| District No. 38. | The counties of Lincoln and Frontier. |
| District No. 39. | The counties of Keith, Deuel, Garden, Arthur, Grant, Hooker, McPherson, Thomas, Logan and Blaine. |
| District No. 40. | The counties of Cherry, Sheridan and Brown. |
| District No. 41. | The counties of Dawes, Box Butte and Sioux. |
| District No. 42. | The county of Scotts Bluff. |
| District No. 43. | The counties of Banner, Kimball, Cheyenne and Morrill. |

## Judicial Districts

District No. 1 shall consist of the counties of Johnson, Pawnee, Nemaha and Richardson.

District No. 2 shall consist of the counties of Sarpy, Cass and Otoe.

District No. 3 shall consist of the county of Lancaster.

District No. 4 shall consist of the counties of Burt, Washington and Douglas.

District No. 5 shall consist of the counties of Hamilton, Polk, York, Butler, Seward and Saunders.

District No. 6 shall consist of the counties of Boone, Nance, Merrick, Platte, Colfax and Dodge.

District No. 7 shall consist of the counties of Fillmore, Saline, Thayer and Nuckolls.

District No. 8 shall consist of the counties of Thurston, Dakota, Dixon and Cedar.

District No. 9 shall consist of the counties of Knox, Antelope, Cuming, Pierce, Madison, Stanton and Wayne.

District No. 10 shall consist of the counties of Phelps, Kearney, Adams, Harlan, Franklin, Webster and Clay.

District No. 11 shall consist of the counties of Hall, Howard, Greeley, Valley, Wheeler, Garfield, Loup, Grant, Hooker, Thomas and Blaine.

District No. 12 shall consist of the counties of Custer, Sherman, Logan and Buffalo.

District No. 13 shall consist of the counties of McPherson, Lincoln, Deuel, Cheyenne, Kimball, Dawson, Keith, Banner and Arthur.

District No. 14 shall consist of the counties of Chase, Hayes, Frontier, Gosper, Furnas, Red Willow, Hitchcock, Perkins and Dundy.

District No. 15 shall consist of the counties of Brown, Keya Paha, Boyd, Rock and Holt.

District No. 16 shall consist of the counties of Cherry, Sheridan, Dawes, Box Butte and Sioux.

District No. 17 shall consist of the counties of Garden, Morrill and Scotts Bluff.

District No. 18 shall consist of the counties of Jefferson and Gage.

Provided, in the fourth district there shall be nine judges of the district court; in the third district there shall be four judges of the district court; in the fifth, sixth, ninth, tenth and eleventh districts there shall be two judges of the district court in each of said districts; in the thirteenth district there shall be two judges of the district court; in all other districts there shall be one judge of the district court in each of such other districts.

## LEGISLATIVE SESSIONS SINCE THE LEGISLATURE ORGANIZED

First session. Held at Omaha, the State Capital, on July 4, A.D., 1866. Adjourned July 11, 1866. Session eight days. Convened in compliance with adoption of the Constitution. Membership consisted of thirteen senators and thirty-nine representatives elected from the territorial districts.

Second session (Special). Held at Omaha, the State Capital, February 20, 1867, and adjourned February 21, 1867. Session two days. Session was called to consider certain conditions made by act of Congress for the admission of Nebraska into the Union.

Third session (Special). Held at Omaha, the State Capital, May 16, 1867, and adjourned June 24, 1867. Session forty days. Session called by the Governor to carry out provisions of the new Constitution.

Fourth session (Special). Held at Omaha, the State Capital, October 27, 1868. Adjourned October 28, 1868. Session two days. Called to provide for the election of Presidential and Vice-presidential electors.

Fifth session (Special). Held at Lincoln, the State Capital, January 7, 1869. Adjourned February 15, 1869. Session forty days.

Sixth session (Special). Held at Lincoln, where the State Capital was permanently located. Convened February 17, 1870. Adjourned March 4, 1870. Session sixteen days. Called to ratify the proposed Fifteenth Amendment to the Constitution of the United States, and special business.

Seventh session (Special). Convened March 4, 1870. Adjourned March 4, 1870. Session one day.

Eighth session. Convened January 5, 1871. Adjourned on the 29th of March to the 30th of May for the purpose of sitting as a court to try impeachment proceedings against Governor Butler. On June 7, 1871, adjourned a second time until January 9, 1872, for the purpose of trying impeachment proceedings against Auditor John Gillespie. Adjourned January 26, 1872. Session 110 days.

| Session | Convened | Adjourned |
|---|---|---|
| Ninth | Jan. 9 1873 | Mar. 4, 1873 |
| Tenth (Special) | Mar. 27, 1873 | Mar. 29, 1873 |
| Eleventh | Jan. 7, 1875 | Feb. 25, 1875 |
| Twelfth (Special) | Dec. 5, 1876 | Dec. 5, 1876 |
| Thirteenth (Special) | Dec. 5, 1876 | Dec. 5, 1876 |
| Fourteenth | Jan. 2 1877 | Feb. 15, 1877 |

| Session | Convened | Adjourned |
|---|---|---|
| Fifteenth | Jan. 7, 1879 | Feb. 25, 1879 |
| Sixteenth | Jan. 4, 1881 | Feb. 26, 1881 |
| Seventeenth (Special) | May 10, 1882 | May 24, 1882 |
| Eighteenth | Jan. 2, 1883 | Feb. 26, 1883 |
| Nineteenth | Jan. 6, 1885 | Mar. 5, 1885 |
| Twentieth | Jan. 4, 1887 | Mar. 31, 1887 |
| Twenty-first | Jan. 1, 1889 | Mar. 30, 1889 |
| Twenty-second | Jan. 6, 1891 | Apr. 4, 1891 |
| Twenty-third | Jan. 3, 1893 | Apr. 8, 1893 |
| Twenty-fourth | Jan. 1, 1895 | Apr. 5, 1895 |
| Twenty-fifth | Jan. 5, 1897 | Apr. 9, 1897 |
| Twenty-sixth | Jan. 3, 1899 | Mar. 31, 1899 |
| Twenty-seventh | Jan. 1, 1901 | Mar. 28, 1901 |
| Twenty-eighth | Jan. 6, 1903 | Apr. 8, 1903 |
| Twenty-ninth | Jan. 3, 1905 | Mar. 30, 1905 |
| Thirtieth | Jan. 1, 1907 | Apr. 4, 1907 |
| Thirty-first | Jan. 1, 1909 | Apr. 1, 1909 |
| Thirty-second | Jan. 3, 1911 | Apr. 6, 1911 |
| Thirty-third | Jan. 7, 1913 | Apr. 16, 1913 |
| Thirty-fourth | Jan. 5, 1915 | Apr. 8, 1915 |
| Thirty-fifth | Jan. 2, 1917 | Apr. 24, 1917 |
| Thirty-sixth (Special) | Mar. 26, 1918 | Apr. 8, 1918 |
| Thirty-seventh | Jan. 7, 1919 | Apr. 17, 1919 |
| Thirty-eighth (Special) | July 29, 1919 | Aug. 2, 1919 |
| Thirty-ninth (Special) | Oct. 14, 1919 | Oct. 18, 1919 |
| Fortieth | Jan. 4, 1921 | Apr. 28, 1921 |
| Forty-first (Special) | Jan. 24, 1922 | Feb. 2, 1922 |
| Forty-second | Jan. 2, 1923 | May 2, 1923 |
| Forty-third | Jan. 6, 1925 | Apr. 1, 1925 |
| Forty-fourth | Jan. 4, 1927 | Apr. 23, 1927 |
| Forty-fifth | Jan. 1, 1929 | Apr. 24, 1929 |
| Forty-sixth (Special) | Mar. 4, 1930 | Mar. 15, 1930 |
| Forty-seventh | Jan. 6, 1931 | May 2, 1931 |
| Forty-eighth (Special) | June 9, 1931 | June 20, 1931 |
| Forty-ninth | Jan. 3, 1933 | May 9, 1933 |
| Fiftieth | Jan. 1, 1935 | May 25, 1935 |
| Fifty-first (Special) | Oct. 28, 1935 | Nov. 25, 1935 |
| Fifty-second | Jan. 5, 1937 | May 15, 1937 |
| Fifty-third | Jan. 3, 1939 | June 7, 1939 |
| Fifty-fourth (Extraordinary) | Jan. 2, 1940 | Jan. 13, 1940 |
| Fifty-fifth | Jan. 7, 1941 | May 23, 1941 |
| Fifty-sixth | Jan. 5, 1943 | May 28, 1943 |
| Fifty-seventh (Extraordinary) | Mar. 27, 1944 | Apr. 7, 1944 |

# RULES OF THE NEBRASKA LEGISLATURE

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## RULE 1

### Authority

### Constitution of Nebraska. Art. III, Sec. 10

Gregg's Handbook of Parliamentary Law. The rules of parliamentary practice comprised in Gregg's Handbook of Parliamentary Law, Rev. Ed. c 1940, shall govern the Legislature in all cases to which they are applicable and in which they are not inconsistent with the standing rules of the Legislature.

Amendment and suspension of rules. Rule 18.

## RULE 2

### Presiding Officer

Section 1. Presiding Officer: Lieutenant Governor, Speaker. The Lieutenant Governor shall preside as president of the Legislature, and the Speaker shall preside when the Lieutenant Governor shall be absent, incapacitated or shall act as Governor. (Const. Art. III, Sec. 10). All references herein made to the President shall be construed as meaning also the Speaker whenever he may preside.

Member of Reference Committee. Rule 15.

Sec. 2. Chairman of Judiciary Presides, When. In the absence of both the Lieutenant Governor and the Speaker, the chairman of the Judiciary Committee shall preside, and shall exercise all the powers herein conferred on the President, except the authority to sign bills or resolutions passed by the Legislature.

Sec. 3. Member Presides, When. The President shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond adjournment.

Sec. 4. President Calls Legislature to Order; Quorum. The President shall take the chair each legislative day at the hour to which the Legislature shall have adjourned at the

last sitting. He shall call the Legislature to order, and a quorum being present, shall proceed in the manner and order prescribed by these rules. A majority of the members elected to the Legislature shall constitute a quorum. Const. Art. III, Sec. 10.

Sec. 5. Absence of Quorum. If the President finds that a number less than a quorum is present, he shall so state, and a majority of the members present, if five in number, may compel the presence of all members subject to a call of the Legislature.

Sec. 6. President to Preserve Order. The President shall preserve order and decorum, and in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared.

Sec. 7. Point of Order, President Decides: Appeal. The President may speak to a point of order in preference to members, rising from his seat for that purpose, and shall decide the questions of order, subject to an appeal to the Legislature by any member; on which appeal no member may speak more than once, unless by leave of the Legislature.

Sec. 8. Putting Question. The President shall rise to put a question, but he may state it sitting.

Sec. 9. President Shall Sign. The President shall sign, in the presence of the Legislature, while the same is in session and capable of transacting business, all bills and resolutions passed by the Legislature (Const. Art. III, Sec. 14). All writs, warrants and subpoenas issued by order of the Legislature shall be under his hand and seal, attested by the Clerk.

Sec. 10. Lieutenant Governor Votes, When. The Lieutenant Governor, when presiding, shall vote only when the Legislature is equally divided. Const. Art. III, Sec. 10.

## RULE 3

### Officers Elected and Their Duties: Recall

Sec. 1. Nomination and Election. At the commence-

ment of each regular session, the Legislature shall nominate by informal ballot and shall elect by ballot the following officers:

Speaker.
Clerk of the Legislature.
Sergeant-at-arms.
Postmaster.
Chaplain.

Sec. 2. Officers, Vote Necessary to Elect. A majority vote of the elected members shall be required for the election of each such officer.

Sec. 3. Recall of Officers. Any officer of the Legislature may be recalled upon a two-thirds majority vote of the members elected to the Legislature, and the vacancy thus created shall be filled by a majority vote of the members.

Sec. 4. Oath of Officers. Each permanent officer shall take an oath to support the constitution of the United States, and the constitution of the State of Nebraska, and to discharge faithfully the duties of his office according to the best of his ability.

Sec. 5. Duties of Officers, General. In general the duties of the officers of the Legislature shall be those usual to such officers.

Sec. 6. Speaker. Duties. Rule 2.

Speaker is member of Reference Committee. Rule 15, Sec. 1.

Speaker is member of Legislative Council. Chap. 118, Laws of Nebr. 1943.

Sec. 7. Clerk of the Legislature, Duties. The Clerk of the Legislature shall keep a brief but accurate daily journal of the proceedings of the Legislature. Const. Art. III, Sec. 11.

Daily Journal. Rule 9.

Sec. 8. Assistant Clerk, Duties. The Assistant Clerk, appointed by the Committee on Legislative Administration, and approved by the Legislature, shall, in the absence of the Clerk, be authorized to exercise all of the duties herein prescribed for the Clerk of the Legislature, including the

signing of those papers which may require the signature of the Clerk of the Legislature.

Sec. 9. Sergeant-at-arms, Duties. The Sergeant-at-arms shall attend the Legislature during its sittings, to execute the commands of the Legislature from time to time, together with all such processes issued by authority thereof as shall be directed to him by the presiding officer, and shall enforce strictly the rules as they relate to privileges of the legislative chamber.

Sec. 10. Assistant Sergeant-at-arms, Duties. The Assistant Sergeant-at-arms, appointed by the Committee on Legislative Administration, and approved by the Legislature, shall assist the Sergeant-at-arms and in the absence of the latter, shall perform all of the duties herein prescribed for the Sergeant-at-arms.

Sec. 11. Postmaster, Duties. The Postmaster shall superintend the post office kept in the capitol for the accommodation of the members, and shall be responsible for the prompt and safe delivery of their mail.

Sec. 12. Chaplain, Duties. The Chaplain shall attend and shall open with prayer each day's sitting of the Legislature.

## RULE 4

### Employees

Employees, Selection and Duties.

See Legislative Administration. Rule 6, Sec. 5; also Rule 3, Secs. 8, 10.

## RULE 5

### Members: Attendance, Decorum and Debate

Sec. 1. Presence of Members Required. Every member shall be present within the legislative chamber during the sittings of the Legislature and shall attend the regular meetings of the standing committees of which he is a member, unless excused or necessarily prevented.

Sec. 2. Presence of Member May be Compelled. The presence of any member may be compelled, if necessary, by sending the Sergeant-at-arms, or such other person or persons as the membership present may authorize, at the expense of such absent member, unless such excuse for non-attendance is made as the Legislature may judge sufficient; and in that case the expense shall be paid out of the contingent fund.

Call of the Legislature. Rule 10, Sec. 8.

Sec. 3. Absence of Member May be Explained. Upon the completion of the roll call on the final passage of a bill, any member may explain the absence of any other member, and if requested in writing by the absent member to do so, may state how he would have voted if present, and such statement, if submitted to the Clerk in writing, and containing not more than thirty words, shall be entered in the daily journal.

Sec. 4. Expulsion of Members. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense. Const. Art. III, Sec. 10.

Sec. 5. Decorum: Members May Speak Only When Recognized by President. When a member desires to speak in debate or to deliver any matter to the Legislature, he shall rise from his seat and respectfully address himself to "Mr. President". A member shall speak only when recognized and shall confine himself to the question before the Legislature.

Sec. 6. Decorum: Abusive Language and Interruptions Prohibited. No member shall speak to another who has the floor, except when he may yield to a question, or otherwise interrupt the business of the Legislature. No member shall rise to a question of privilege for the introduction of guests while a member is speaking. No member shall use profane or abusive language when speaking to or about another member.

Sec. 7. Decorum: During Final Reading. Members shall remain in their seats during the final reading of a bill and until the vote thereon has been announced, except when excused by the President.

Sec. 8. Transgression of Rules: Call to Order. If any member, in speaking or otherwise, transgress the rules of the Legislature, the presiding officer shall, or any member may, call him to order, in which case he shall immediately sit down, unless permitted on motion of another member to explain, and the Legislature shall, if appealed to, decide the case without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed, but not otherwise; and if the case requires it, he shall be liable to censure or such punishment as the Legislature may deem proper.

Sec. 9. Call to Order: Words Excepted to Must be Indicated. If a member is called to order for words spoken in debate, the member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the Legislature; but he shall not be held to answer, nor be subject to the censure of the Legislature therefor, if further debate or other business shall have intervened.

Sec. 10. Debate; Limitations, Proponent May Close. No member shall speak more than twice upon any one question in debate during the same legislative day, without leave of the Legislature, except in explanation, unless he be the mover, proposer or introducer of the matter pending, in which case he shall be permitted to speak in reply, but not until every other member choosing to speak shall have spoken.

For right of proponent to close debate when previous question ordered, see Rule 11, Sec. 11.

Sec. 11. Explanation of Vote Permitted. A member shall be permitted to explain his vote on roll call upon any question, but such explanation shall be limited to fifty words, and shall not be entered in the daily journal unless the same be submitted to the Clerk in writing.

## RULE 6

### Committees

**Sec. 1. Committee on Committees.** At the commencement of each session, the Legislature shall elect a Committee on Committees to consist of thirteen members, one at large, who shall be chairman, and three from each congressional district to be nominated by the members residing therein.

Chairman is member of Reference Committee for bills and resolutions. Rule 15, Sec. 1.

Committee on Committees is reference committee on nominations by Governor. Rule 15, Sec. 2.

**Sec. 2. Committee on Committees Shall Recommend Standing Committees, Designate Chairmen.** The Committee on Committees, by a majority vote of all of its members, shall recommend to the Legislature for its approval and adoption the following standing committees, each with the number of members as hereinafter set forth, one of whom shall be designated by the Committee on Committees as chairman thereof:

| | |
|---|---|
| Agriculture, including conservation, fish and game, live stock and grazing..... | 9 members |
| Appropriations, including finance, ways and means, and state institutions..... | 11 members |
| Banking, Commerce and Insurance..... | 9 members |
| Claims and Deficiencies..... | 5 members |
| Education, including university and normal schools and libraries, and school lands and funds ..... | 9 members |
| Enrollment and Review, including arrangement, phraseology and correlation..... | 5 members |
| Government, including state, county and municipal governments, elections and apportionment ..... | 9 members |
| Judiciary ..... | 9 members |
| Labor and Public Welfare, including social security and child labor..... | 9 members |

| | |
|---|---|
| Legislative Administration, including employees, printing, audit and accounts. This committee shall consist of one member from each congressional district and one member at large who shall be its chairman | 5 members |
| Rule 6, Secs. 5-8. | |
| Public Health and Miscellaneous Subjects | 5 members |
| Public Works | 9 members |
| Revenue, including taxation, salaries, licenses and fees | 9 members |
| Rules, including procedure and order of business | 5 members |

Sec. 3. Committee on Committees Shall Select Other Committees. The Committee on Committees shall select, aside from the standing committees of the Legislature, all other committees, except where otherwise ordered by the Legislature.

Sec. 4. Committee on Committees Shall Arrange and Publish Schedule of Standing Committee Hearings. The Committee on Committees shall arrange and publish a schedule of regular standing committee meetings, in such manner as to avoid, as far as possible, conflicts in the assignment of members to such committees, and shall cause a copy of such schedule to be posted in some conspicuous place in the capitol near the legislative chamber.

Sec. 5. Legislative Administration: Employment, Supervision and Discharge of Employees; Employees Selected Without Regard to Party Affiliation. The Committee on Legislative Administration shall have authority to select and employ suitable persons for all of the positions which may be determined upon as necessary by the Legislature, and shall have complete supervision of all employees, including the right to discharge any one or more of them. All employees shall be selected without reference to party affiliation and shall be chosen upon the basis of merit.

Sec. 6. Legislative Administration: Printing. The Com-

mittee on Legislative Administration shall print no paper or document, except bills and the daily journal, unless authorized by a majority vote of the elected members of the Legislature.

Sec. 7. Legislative Administration: Reports to Legislature. The Committee on Legislative Administration shall make a detailed and itemized report to the Legislature each month, concerning the number of employees, and the amount paid for their services, especially setting out the amount of regular time and overtime, and to whom paid.

Sec. 8. Legislative Administration Has Charge of Quarters for Legislature. The Committee on Legislative Administration shall have general charge, except as may be provided by law or by rule, of such parts of the capitol and its passages as are or may be set apart for the use of the Legislature and its officers and employees.

Sec. 9. Enrollment and Review, Privileged Committee. The Committee on Enrollment and Review shall be a privileged committee, and shall be in order at any time in reporting bills which have been engrossed for final reading and passage.

Sec. 10. Enrollment and Review; Authority to Make Corrections. The Committee on Enrollment and Review shall have authority, without being required to include the same specifically in their reports and recommendations to the Legislature, in accord with accepted usage:

a. To correct the spelling of words, to correct erroneous division and hyphenation of words, to capitalize or decapitalize words, and to change numbers from words to figures or from figures to words, in new and independent acts, in the new matter of amendatory acts, in standing committee reports, and in general file, select file and specific amendments.

b. To underscore or remove underscoring, as the case requires, in standing committee reports and in general file, select file and specific amendments.

Committee on Enrollment and Review to give preference to bills readvanced from general file after having been recommitted from select file. Rule 13, Sec. 8-d.

**Sec. 11. Committee on Claims and Deficiencies; Filing, Limitation.** No claim shall be considered by the Claims Committee unless filed within the first twenty legislative days of the session, unless otherwise ordered by the Legislature.

**Sec. 12. Claims Previously Rejected.** The Claims Committee shall not consider any claims heretofore filed with and rejected by the Legislature at two or more previous sessions.

**Sec. 13. Committee on Order and Arrangement: Members, Duties.** The Committee on Order and Arrangement shall consist of the chairmen of the committees before whom regularly referred bills and resolutions have public hearings. It shall be the duty of this committee to report to the Legislature the order in which bills and resolutions shall be considered on general file. The order so reported shall become effective only upon approval by the Legislature.

Reference Committees:
For bills and resolutions. Rule 15, Sec. 1.
For nominations by Governor. Rule 15, Sec. 2.
For amendment of rules. Rule 18.

## RULE 7

### Committee Hearings and Reports, Officers

**Sec. 1. Vice Chairmen.** Each standing committee shall elect from its membership a vice chairman to serve in the absence of the chairman.

Chairmen designated by Committee on Committees. Rule 6, Sec. 2.

**Sec. 2. Committee Hearings, Time.** Standing committees shall meet at 2:00 p. m., unless otherwise ordered by the Legislature.

**Sec. 3. Committee Hearings, Notice.** Before taking final action on a bill or resolution, a committee shall hold a public hearing thereon and shall give at least five calendar days' notice, by publication in the Legislative Journal, of the date and time of said hearing.

Sec. 4. Committees May Combine and Correlate Bills, Adopt Amendments. Standing Committees shall be authorized to combine and to correlate the provisions of different bills referred to them and related to the same subject under the number of one of the correlated bills, and may, before taking final action on any bill, adopt amendments thereto, for the consideration of the Legislature.

Sec. 5. Record of Committee Proceedings. Each standing committee shall keep a record of its proceedings. Any two members of the committee may demand a roll call upon the reporting of any bill, or upon amendments thereto. The vote so taken shall be made a part of the committee report, and shall be entered in the daily journal.

Sec. 6. Committees Shall Report Promptly. Standing committees shall consider and report without unnecessary delay all bills and resolutions referred to them.

Sec. 7. Legislature May Request Committee Report. The Legislature may, by vote of a majority of the elected members, request a report from any standing committee at any time after said committee shall have been in possession of a bill or resolution for ten legislative days.

Sec. 8. Committee Reports Must Recommend Bills for General File or Indefinite Postponement: Majority Vote of Members at Regular Meeting Required. In reporting bills to the Legislature, whether with or without amendments, a standing committee shall, by vote of a majority of its members, recommend (a) that the bill be placed on general file for the consideration of the Legislature, or (b) that the bill be indefinitely postponed. Such action shall be taken at regularly scheduled committee meetings only.

Sec. 9. Effect of Committee Report to Postpone Indefinitely. If the standing committee report on a bill be to postpone indefinitely, the bill shall stand indefinitely postponed: Provided, that such bill may be placed on general file by a majority vote of all the elected members upon motion made within five legislative days after the committee makes its report to the Legislature.

Sec. 10. Committee Reports, Statements and Amendments: Minority Report. Each standing committee shall, when reporting a bill, submit therewith a brief statement of the main purpose of the bill, and, if recommended to general file, a copy of all amendments recommended by the committee. Such statement shall give the committee's reason for so reporting, and the minority view, if such there be, shall also be given. Copies of such statements and amendments shall be furnished to the members.

## RULE 8

### Order of Business

Sec. 1. Hour of Meeting and Adjournment. The Legislature shall meet each legislative day at 9:00 a. m., and adjourn not later than 1:00 p. m., unless otherwise ordered by a majority vote of its members present and voting thereon.

Sec. 2. Order of Business. The order of business of the Legislature shall be as follows:

a. Prayer by the Chaplain.
b. Roll call.
c. Call for correction of the journal.
d. Petitions and memorials.
e. Notice of committee hearings.
f. Reports of standing committees.
g. Reports of select committees.
h. Resolutions.
i. Introduction of bills.
j. Bills on first reading by title.
k. Reference of bills to committees on a day subsequent to first reading.
l. Bills on final reading.
m. Special order of the day.
n. Consideration of bills on select file.
o. Consideration of bills on general file.
p. Unfinished business, including messages on the President's desk.
q. Miscellaneous business.

Sec. 3. Messages From the Governor, Preference. Mes-

sages from the Governor may be received at any stage of the proceedings, except when a question is being put, the yeas and nays are being called for, the ballots are being counted, or a question of order or a motion to adjourn is pending.

Sec. 4. Special Order of the Day, Effect of Adjournment. When a bill shall have been made a special order for a definite time and an adjournment shall intervene for a time beyond the time fixed for such special order, then in that event the bill so made a special order shall be placed in its order on general file.

Sec. 5. Unfinished Business, Effect of Adjournment. The unfinished business in which the Legislature was engaged at the adjournment of the last preceding sitting shall have preference in the special order of the day.

Sec. 6. Legislative Days. Each day except Saturday and Sunday shall be considered a legislative day, unless otherwise specifically ordered by the Legislature, by a majority of the members present and voting thereon.

## RULE 9

### Daily Journal

Sec. 1. Journal Prepared by Clerk, Furnished to Members; Corrections. A daily journal of the proceedings of the Legislature, as prepared by the Clerk, shall be printed and placed each day upon the desks of the members; and the presiding officer shall call in the regular order of business for corrections thereof. After corrections, if any, are made, the journal shall stand approved without motion.

Sec. 2. Journal Entries. The Clerk shall enter in the daily journal messages of the Governor in full; titles of bills; every vote, including the yeas and nays, and a brief statement of the contents of each resolution, petition, and memorial or other paper presented for the consideration of the Legislature.

Constitutional amendments printed in journal. Const. Art. XVI, Sec. 1.

**Sec. 3. Title, Parts of Bills Entered in Journal.** In addition to the title, only such parts of a bill as shall be affected by proposed amendments shall be entered in the daily journal.

**Sec. 4. Amendments Offered, But Not Adopted, Not Entered: Exception.** In the consideration of bills on general or select file, amendments offered but not adopted shall not be entered in the journal except where a record vote is demanded.

**Sec. 5. Hour of Adjournment Entered.** The hour at which the Legislature adjourns shall be entered in the daily journal.

**Sec. 6. Additional Copies for Members.** Additional copies of the daily journal, to be mailed at his direction, shall be supplied for the use of each member, in such manner as shall be provided by the Legislature.

**Sec. 7. Bound Journal, How Printed.** The bound journal of the session shall be printed from the corrected daily journal.

Journal, cross references:

Yeas and nays entered in journal at request of any member. Const. Art. III, Sec. 11.

Yeas and nays on final passage of bill shall be published in the journal. Const. Art. III, Sec. 13.

Explanation of absence and statement of how absent member would have voted. Rule 5, Sec. 3.

Explanation of vote. Rule 5, Sec. 11.

Committee reports. Rule 7, Sec. 5.

Only totals of machine votes entered. Rule 10, Sec. 3.

Notice of Committee hearings must be published. Rule 7, Sec. 3.

## RULE 10

### Manner and Record of Voting

**Sec. 1. Votes Taken Viva Voce: Form of Question.** All votes shall be taken viva voce. Questions shall be distinctly put in this form, to wit: "Those who are in favor of the question say 'aye'; those who are opposed to the question say 'no' ".

**Sec. 2. Yea and Nay Vote Required on Final Passage of Bill: Applies to Resolution, When.** Upon the final passage

of a bill, or of a resolution if the same require the same consideration as a bill, the vote shall be by yeas and nays, and this rule shall not be suspended.

Sec. 3. Machine Vote, When. If a machine vote is called for, or if the presiding officer is in doubt, he shall cause the result to be obtained by means of the electric roll call system; and only the totals shall be printed in journal.

Sec. 4. Record Vote, Member May Demand. Any member may call for a record vote upon any question (Const. Art. III, Sec. 11), and upon declaration of the yeas and nays by the members, the record thereof shall be made and taken upon the electric roll call system, unless the Legislature by a majority vote decides that a roll call shall be taken.

Sec. 5. For Yeas and Nays and Call of House, Vote on Electric System: Limitation on Time to Vote. In taking the yeas and nays and upon call of the Legislature, the members shall register their vote upon the electric roll call system. When the yeas and nays are taken upon any question in the manner heretofore indicated, no member shall be permitted to vote after the decision is announced from the chair.

Sec. 6. When More Than Majority Vote Necessary, Electric System Used. In all instances where the vote, necessary to adopt a motion or other proposition, is other than that of a majority voting upon the question, the presiding officer shall, unless the Legislature by unanimous vote decides otherwise, cause the result thereof to be obtained by means of the electric roll call system. In such case, no member shall be permitted to vote after the yeas have been announced by the Clerk.

Sec. 7. Member May Demand Verification of Vote. Any member may demand verification of the vote on roll call: Provided, that on the final passage of bills verification shall always be made.

Sec. 8. Call of the Legislature. A call of the Legislature must be seconded by at least five members. Thereupon, and upon call of the presiding officer, each member present

shall indicate his presence upon the electric roll call system and shall remain in his seat during the call. The Clerk shall note the names of the absentees. Proceedings under the call may be suspended at any time by a majority vote of the members present, and when so suspended shall not again be ordered on the proposition pending, except by a majority vote of the members present and voting thereon. When the Legislature has been under call for fifteen minutes, and if all absentees were to vote on one side of the question, and if their combined vote would be insufficient to change the result of the vote, the President shall declare the call raised.

Voting, cross references:

Lieutenant Governor votes only when Legislature equally divided. Rule 2, Sec. 10.

Explanation of vote. Rule 5, Sec. 11.

## RULE 11

### Motions and Their Precedence

**Sec. 1. Statement of Motions.** When a motion has been made and seconded, the presiding officer shall state it, or being in writing, shall cause it to be read aloud by the Clerk before being debated.

**Sec. 2. Motions Must be Written, When.** Every motion shall be reduced to writing if the presiding officer or any member desires it.

**Sec. 3. Withdrawal or Modification of Motions.** After a motion has been stated by the presiding officer, or read by the Clerk, it shall be deemed in possession of the Legislature, but may be withdrawn or modified by the mover at any time before a decision, amendment, or ordering of the yeas and nays, except a motion to reconsider, which shall not be withdrawn without leave.

**Sec. 4. Motions Received When Questions Under Debate: Precedence.** When a question is under debate no moton shall be received but:

a. To adjourn.

b. To lay on the table.

c. For the previous question.
d. To postpone to a certain time.
e. To commit.
f. To amend.
g. To postpone indefinitely.

Such motions shall have precedence in the order in which they are arranged; except that motions to postpone indefinitely and amend do not yield to each other. No motion to postpone to a certain time, to commit or to postpone indefinitely being decided, shall again be allowed on the same day at the same stage of the bill or proposition.

Sec. 5. Motion to Strike Enacting Clause; Effect, Precedence. A motion to strike out the enacting clause of a bill shall have precedence over a motion to amend, but shall not have precedence over a motion to postpone indefinitely, and, if carried, is equivalent to rejection of the bill.

Sec. 6. Motion to Adjourn, Adjourn to Time Certain, to Recess; Precedence. A motion to adjourn, or a motion to fix the day to which the Legislature shall adjourn shall always be in order, except:

a. While a member is speaking.
b. When a motion to adjourn has just been defeated.
c. When a motion to fix the day to which the Legislature shall adjourn has just been defeated.
d. After the final reading of a bill and during roll call thereon.

Provided, however, that a motion to adjourn to a time certain shall have precedence over a motion to adjourn; and provided further, that a motion to recess shall take precedence over either of such motions.

Sec. 7. Motion to Adjourn Pending Motion to Suspend Rules. Pending a motion to suspend the rules, the presiding officer may entertain one motion to adjourn, but after the result thereon is announced he shall entertain no other motion until the vote has been taken on suspension.

Sec. 8. The Previous Question, Form. The previous

question shall be in this form; "Shall the debate now close?"

Sec. 9. The Previous Question: Seconds Required: Vote Necessary: Effect. The previous question shall be in order when demanded by five or more members and must be sustained by the vote of a majority of the elected members, and until decided shall, except as provided in Section 11 of this rule, preclude further debate and all amendments and motions, except one motion to adjourn and one motion to lay on the table.

Sec. 10. Previous Question Undebatable. On a previous question there shall be no debate. All incidental questions of order, arising after a motion is made for a previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

Sec. 11. Previous Question Ordered: Proponent to Close Debate. When the previous question shall have been ordered on a proposition under debate, the mover, proponent or introducer of such proposition shall be given the right to close the debate thereon.

Sec. 12. Previous Question Ordered: Call of Legislature Not in Order, When. A call of the Legislature shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the presiding officer that a quorum is not present.

Sec. 13. Questions of Privilege, What Are. Questions of privilege shall be, first, those affecting the rights of the Legislature collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members, individually, in their representative capacity only; and shall have precedence over all other questions, except motions to adjourn.

Question of privilege is not in order for introduction of guests while member speaking. Rule 5, Sec. 6.

Sec. 14. Reconsideration, Who May Move. When a question has been decided, it shall be in order for any member voting with the prevailing side, or not voting, to move a reconsideration thereof; and if the Legislature shall refuse

to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order, unless by unanimous consent.

Motion to reconsider cannot be withdrawn without leave. Rule 11, Sec. 3.

Sec. 15. Reconsideration, Precedence. Every motion to reconsider shall take precedence over all other questions, except a motion to adjourn.

Sec. 16. Reconsideration, Vote Necessary. For its adoption a motion to reconsider shall require the vote of a majority of the elected members, except where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a final reading, then a three-fifths vote shall be required for adoption.

Sec. 17. Amendments in Order. When a motion or other proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order.

Sec. 18. Amendments, Prohibited: Annexing, Incorporating, Substituting Other Bills. No bill or resolution shall at any time be amended by annexing thereto, incorporating therewith, or substituting therefor, any other bill or resolution before the Legislature.

Sec. 19. Amendment to Title of Bills. Amendments to the title shall not be in order during the consideration of a bill or resolution on general or select file until the bill or resolution shall have been considered in full.

Sec. 20. Amendment Laid on Table Does Not Carry Principal Measure. When an amendment proposed to any pending measure is laid on the table, it shall not carry with it or prejudice such measure.

Sec. 21. Amendments, Preference in Consideration. When the Legislature is considering bills on either general or select file, after giving consideration to standing committee amendments, it shall give preference to such amendments as may have been on file with the Clerk, with copies on the members' desks for one legislative day in advance,

and then to such other amendments as have been deposited with the Clerk, in the order in which they were received by him.

Sec. 22. Amendments, Must be Germane. No motion, proposition or subject, different from that under consideration, shall be admitted under color of amendment.

Sec. 23. Division of a Question, When. Any member may call for the division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. A motion to strike out and insert shall be deemed indivisible; but a motion to strike out, being lost, shall not preclude an amendment or a motion to strike out or insert.

## RULE 12

### Bills—General Provisions

Sec. 1. Introduction, by Not More Than Three Members. Upon call for the introduction of bills, any member or standing committee may introduce one or more bills. No bill shall be introduced bearing the names of more than three members, but the names of additional introducers may be added by consent of the Legislature.

Sec. 2. Introducer Must be Willing to Support. Members shall introduce only such bills as they are willing to endorse and support personally.

Sec. 3. Time for Introduction, Limitation. No bill shall be introduced after the twentieth legislative day, except upon recommendation of the Governor, or by a standing committee upon the vote of a majority of its members.

Sec. 4. Bills, How Designated. A bill shall be designated as Legislative Bill ———.

Sec. 5. Bill Must Contain Only One Subject: Amendment of Laws. No bill shall contain more than one subject, and the same shall be clearly expressed in the title. And no law shall be amended unless the new act contain the section

or sections as amended, and the section or sections so amended shall be repealed. Const. Art. III, Sec. 14.

**Sec. 6. Amendatory Bill, How Printed.** An amendatory bill shall be so prepared and printed as to show the new matter proposed, old matter to be retained, and old matter to be omitted from the statutes.

**Sec. 7. Bills Must Be Engrossed Before Final Reading.** All bills, before being advanced to final reading and passage, shall be engrossed by typewriter, and if amended, shall be reprinted in the manner prescribed in the preceding section, and copies thereof shall be supplied for the use of members.

**Sec. 8. Bills Must Receive Two Readings Before Passage.** Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member, and the bill and all amendments thereto shall be printed and read at large before the vote is taken upon its final passage. Const. Art. III, Sec. 14.

**Sec. 9. Vote Required to Expend Money or Change Compensation.** It shall require the vote of a majority of the members elected to expend money by the Legislature or to change the compensation of any officer or employee.

## RULE 13

### Bills—Stages in Consideration

**Sec. 1. Introduction and First Reading.**

Introduction. Rule 12, Secs. 1, 2.
Time for introduction. Rule 12, Sec. 3.
First reading, Rule 12, Sec. 8.

**Sec. 2. Reference to Standing or Select Committee.**

Reference committee. Rule 15, Sec. 1.
Readings. Rule 12, Sec. 8.
Time. Rule 8, Sec. 2-k.

**Sec. 3. Consideration by Standing or Select Committee, Together With Desired Committee Hearings.**

Committee hearings. Rule 7, Secs. 2-5.

**Sec. 4. Report by Standing or Select Committee and Reference to General File.**

Committee reports. Rule 7, Secs. 6-10.
Effect of committee report to postpone indefinitely. Rule 7, Sec. 9.

**Sec. 5. General File: Reading, Consideration and General Debate by the Legislature.**

a. Each section shall be open to amendment as read, and the amendments, if any, recommended by the standing committee, shall first be considered for adoption or rejection, after which other amendments may be offered.

Amendments. Rule 11, Secs. 17-22.

b. Bills shall be listed and considered on general file in the order in which they shall be reported from the standing committees, except as modified by the Committee on Order and Arrangement; and no change shall be made in such order, except by a majority vote of the elected members.

c. The general appropriation bills, necessary for the support of the state government for the biennium, shall take precedence over all other bills on general file.

d. At any time during consideration of bills on either general or select file, any member may move that the bill be passed over, and if the motion is carried by a majority of those voting, the bill shall be passed over and shall retain its place on the file. This motion shall have the same precedence as to lay on the table.

**Sec. 6. Reference to Enrollment and Review.** Advancement to the Committee on Enrollment and Review for recommendations relative to arrangement, phraseology and correlation, unless indefinitely postponed or recommitted to a standing committee.

**Sec. 7. Report by Committee on Enrollment and Review and Reference to Select File.**

Enrollment and review report. Rule 6, Sec. 10.

**Sec. 8. Select File.** Consideration a second time by the Legislature, in review on select file, wherein any of the following motions shall be in order:

a. A motion to approve or reject any or all of the changes recommended by the Committee on Enrollment and Review.

b. A motion to adopt a unanimous consent amendment, to which no objection shall be offered.

c. A motion to recommit to the proper standing committee.

d. A motion to recommit to the general file for one or more specific amendments. If such motion is adopted, the bill shall be transferred forthwith to the head of the general file, where consideration of the specific amendment shall be the first order of business on that file. After disposition of the specific amendment, the bill may be readvanced to the Committee on Enrollment and Review for review, amended further, indefinitely postponed, or recommitted to the proper standing committee. If the bill is readvanced, it shall be given prior consideration by the Committee on Enrollment and Review and returned to the select file as soon as possible, and placed at the head of that file: Provided, if the bill is not amended, indefinitely postponed, or recommitted, it may be advanced to the Committee on Enrollment and Review for engrossment.

Effect of passing over bill. Rule 13, Sec. 5-d.

e. A motion to postpone indefinitely.

No bill shall be considered initially on select file until three legislative days after its advancement from general file to the Committee on Enrollment and Review: Provided, that the amendments so recommended shall not be read by the Clerk except upon the request of a member of the Legislature.

**Sec. 9. Advancement to the Committee on Enrollment and Review for Engrossment, Unless Recommitted to a Standing Committee or Indefinitely Postponed.**

**Sec. 10. Report by Committee on Enrollment and Review and Reference to Final Reading File, or to Select File for Specific Amendment.**

Bills must be engrossed before advancement to final reading. Rule 12, Sec. 7.

**Sec. 11. Conditions Precedent to Placing Bill on Final Reading.** No bill shall be placed upon final reading and passage until:

a. Five legislative days after the initial reference to the Committee on Enrollment and Review.

b. Two legislative days after its reference to final reading file.

c. Printed copies of the bill in its final form, as amended, shall have been available to members and on their desks for at least one legislative day. Const. Art. III, Sec. 14.

**Sec. 12. Final Reading.** Consideration on final reading and passage when the bill shall be read at large with all amendments thereto before the vote is taken (Const. Art. III, Sec. 14): Provided, that at any time before the roll call shall have begun on final reading of the bill, it shall be in order to move:

a. To recommit the bill to the Committee on Enrollment and Review to correct an error, and for re-engrossment.

b. To recommit the bill to the proper standing committee, with or without instructions.

c. To recommit the bill to select file for specific amendment, which amendment may be adopted by a vote of a majority of the elected members.

Members must be in their seats during final reading. Rule 5, Sec. 7.

**Sec. 13. Question After Final Reading; Emergency Clause.** The question after the final reading of a bill shall be: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'" If the emergency clause is contained in the bill, the words "with the emergency clause attached" shall be added to the question.

**Sec. 14. Emergency Clause: Failure to Receive Constitutional Majority; Effect; Question.** When a bill containing the emergency clause does not receive the required two-thirds constitutional majority on final reading, then the

emergency clause shall be considered stricken, and the bill without the emergency clause shall be pending on final reading, and the question then shall be, "Shall the bill pass with the emergency clause stricken?" Const. Art. III, Sec. 27.

Sec. 15. Governor's Veto, Consideration. Upon the day of receipt of a message from the Governor announcing his veto of a bill, or on either of the next five legislative days, any member may move that the bill so vetoed be taken up for passage. Whereupon, the question shall be, "Shall the bill pass, notwithstanding the objection of the Governor?"

Three-fifths vote of the elected members required to pass bill over Governor's veto. Const. Art. IV, Sec. 15.

The Governor may disapprove any item or items of appropriation contained in bills passed by the Legislature, and the item or items so disapproved shall be stricken therefrom, unless repassed in the manner prescribed in case of disapproval of bills. Const. Art. IV, Sec. 15.

## RULE 14

### Petitions and Memorials

Sec. 1. Petitions, Memorials and Other Papers Referred to Committees. Every petition, memorial, or other paper shall be referred to the proper committee without putting a question for that purpose, unless the reference be objected to by a member at the time such petition, memorial or other paper is presented, in which case the Legislature shall decide the question of reference.

Sec. 2. Introducer May Make Statement. Before any petition or memorial addressed to the Legislature is received and read at the table, whether the same be presented by the presiding officer or a member, a brief statement of the contents of the petition or memorial may be verbally made by the introducer.

## RULE 15

### Questions and Reference

Sec. 1. Reference Committee for Bills and Resolutions. Who Constitutes. The Lieutenant Governor, the Speaker, and the Chairman of the Committee on Committees shall constitute the Reference Committee for the assignment of bills

and resolutions to the various standing committees.

Sec. 2. Nominations by Governor Referred to Committee on Committees. All nominations made to the Legislature by the Governor, requiring confirmation by the Legislature, shall be referred to the Committee on Committees, and the same procedure shall be followed as governs the handling of other matters before standing committees, unless the Legislature shall otherwise direct by unanimous vote.

Sec. 3. Members May Object to Reference. Any member may object to the reference of any bill or other proposition, and correction in case of error in reference may be made by the Legislature on any legislative day, immediately following corrections of the daily journal, by unanimous consent, or by the vote of a majority of the elected members.

Sec. 4. Motions for Reference; Preference. When motions are made for reference of the same subject to a select committee and to a standing committee, the question on reference to the standing committee shall be put first.

Proposed amendments to rules referred to Rules Committee. Rule 18.

## RULE 16

### Resolutions

Sec. 1. Resolutions; How Designated. A resolution shall be designated as Legislative Resolution ———.

Sec. 2. Resolutions Proposing Constitutional Amendments, Granting Money, or Requiring Governor's Approval: Consideration and Adoption. Resolutions which propose amendments to the state constitution, propose the ratification of amendments to the federal constitution, provide for the grant of money out of the contingent or any other fund, or require the approval of the Governor, shall be considered and adopted in the same manner as bills. Const. Art. III, Secs. 13, 14; Art. XVI, Sec. 1.

No resolution shall be introduced bearing the names of more than three members, but the names of additional introducers may be added by consent of the Legislature.

Sec. 3. Resolutions Laid Over One Legislative Day. All other resolutions, except by the unanimous consent of the members present and voting, shall lie over for consideration until the next legislative day.

Sec. 4. Resolutions; Reference to Committee; Vote Necessary for Adoption. When called for consideration on the next legislative day after its introduction, any such resolution shall be referred to the proper standing committee, if as many as five members object to its consideration at that time. The vote of a majority of the elected members shall be required for the adoption of any such resolution.

## RULE 17

### Privileges of the Floor

No person shall be admitted to the floor of the Legislature except the following:

Members of the Legislature, officers and employees.

State officers, their deputies and clerks.

Judges of the Supreme Court.

Judges of the District Courts.

Senators and Representatives in Congress.

Reporters of regularly accredited newspapers and broadcasting stations.

And such other persons as the Legislature may deem proper to admit.

No person, other than those hereinbefore excepted, shall be admitted to the members' cloak room or post office, unless accompanied by a member.

## RULE 18

### Suspension and Amendment of Rules

These rules may be suspended by a two-thirds majority vote of the elected members, and may be amended by a three-fifths majority vote of the members elected: Provided, any proposed amendment must first be referred to the Committee on Rules for consideration and report.

# LEGISLATIVE JOURNAL

## FIFTY-SEVENTH (EXTRAORDINARY) SESSION

## FIRST DAY

Legislative Chamber, Lincoln, Nebraska

Monday, March 27, 1944

Pursuant to a proclamation by His Excellency, Dwight Griswold, Governor of the State of Nebraska, the fifty-seventh (extraordinary) session of the Legislature of Nebraska assembled in Legislative Hall of the Capitol Building at the hour of ten o'clock a. m., March 27, 1944, and was called to order by Lieutenant Governor Roy W. Johnson.

The roll was called and the following members were present:

| | | |
|---|---|---|
| Anderson, D. S. | Garber, Daniel | Neubauer, E. M. |
| Anderson, James H. | Gutoski, Peter P. | Norman, William J. |
| Asimus, Tony | Hanna, Don E. | Ogden, Cliff N. |
| Brodahl, A. J. | Heiliger, H. P. | Osborne, Tom C. |
| Burnham, Harry F. | Hubka, Ladd J. | Peterson, C. Petrus |
| Conklin, J E | Jeffords, Carl P. | Raecke, Walter R. |
| Craven, George I. | Jeppesen, Louis M. | Rakow, Elmer C. |
| Crosby, Robert B. | Klaver, Sam | Reavis, Joseph C. |
| Cullingham, Sidney J. | Lee, Earl J. | Sorrell, Frank |
| Dooley, Tom | Matzke, Stanley A. | Thomas, Ray |
| Doyle, John F. | Mekota, John E. | Tvrdik, Charles F. |
| Foster, Harry A. | Mischke, Martin J. | Weborg, George C. |
| Gantz, Harry E. | Mueller, Fred A. | |

## Communications

Communications were read from Messrs. William A. Crossland and Arthur Carmody explaining that they had been detained and would report as soon as possible.

Prayer was offered by The Reverend L. L. Chambers, Chaplain.

## Letter From the Governor

March 22, 1944

Mr. Hugo Srb
Clerk of the Legislature
State House
Lincoln, Nebraska

Dear Mr. Srb:

I hand you herewith a Proclamation providing for an Extraordinary Session of the Legislature of the State of Nebraska to convene March 27, 1944, at 10 o'clock a.m.

Sincerely yours,
(Signed) Dwight Griswold
Governor

## PROCLAMATION OF THE GOVERNOR

Executive Office, Lincoln, Nebraska

By virtue of the authority vested in the Governor by Section 8, Article IV of the Constitution of Nebraska, I, Dwight Griswold, as Governor of the State of Nebraska, believing that an extraordinary occasion has arisen, do hereby call the Legislature of Nebraska to convene in extraordinary session at the State Capitol on Monday, March 27, 1944, at 10 o'clock a.m., for the purpose of considering and, if deeming it advisable, enacting legislation relating to the following subjects:

1. To amend, revise and supplement the laws of the state relating to elections so as to facilitate and afford greater opportunity for the exercise of the elective franchise by absent voters.

2. To amend the laws of the state relating to public power and public power and irrigation districts, so as (a) to regulate the issuance, registration and sale of bonds of such districts and (b) to provide safeguards and limitations with respect to the employment of agents and the payment of fees in connection with the acquisition of property and financing of indebtedness.

3. To amend Section 6, Chapter 90, Session Laws of Nebraska, 1943, relating to the salary to be paid to county surveyors in counties having

a population of more than seventeen thousand and not more than twenty thousand inhabitants.

4. To amend Chapter 115, Session Laws of Nebraska, 1943, relating to the preparation, printing, publication and sale of the Revised Statutes of Nebraska, 1943, and to appropriate additional funds to assist in defraying the cost thereof.

5. To confirm the appointment of the heads of civil departments and other officers requiring confirmation by the Legislature under the Constitution and Laws of Nebraska, where vacancies in office have occurred since the adjournment of the Fifty-Sixth Legislative Session.

6. To appropriate funds for the necessary expense of the extraordinary session herein called.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed this 21st day of March, 1944.

(Signed) Dwight Griswold
Governor of Nebraska.

(State Seal)
By the Governor:
(Signed) Frank Marsh
Secretary of State.

The President declared the fifty-seventh (extraordinary) session of the Nebraska State Legislature duly convened and ready to transact business.

**Rules of the Legislature**

The President announced that, without objection, the rules of the last regular session would govern the extraordinary session and all Standing Committees of the last session would continue during the present session.

There being no objection, it was so ordered.

**MOTION—Committee on Credentials**

Mr. President: I move that a committee of three be appointed on credentials.

(Signed) Mischke

The motion prevailed and the President appointed the following members to serve on said committee:

Mischke, Chairman Sorrell Conklin

The committee withdrew and subsequently returned with the following:

**REPORT—Committee on Credentials**

Mr. President: Your Committee on Credentials hereby reports that the following named gentlemen are entitled to a seat in this body:

Lynn D. Hutton, 15th District, Madison and Pierce Counties.

Harry F. Russell, 31st District, Adams and Kearney Counties.

(Signed) Mischke, Sorrell, Conklin

**MOTION—To Adopt Report**

Mr. President: I move that the report of the Committee on Credentials be adopted.

(Signed) Sorrell

The motion prevailed.

**LETTER—From Secretary of State**

March 27, 1944

Mr. Hugo F. Srb
Clerk of the Legislature
Lincoln, Nebraska

Dear Mr. Srb:

We hand you herewith Certificate by the Secretary of State of the State of Nebraska, certifying as to the appointment of Harry F. Russell to fill the vacancy in the 31st Legislative District, in accordance with the provision of Chapter 32-1705 of the 1939 Cumulative Supplement to the Compiled Statutes of Nebraska, 1929.

Yours truly,
Frank Marsh, Secretary of State
By (Signed) J. C. Coupland, Jr.
Deputy

**CERTIFICATE**

State of Nebraska, Department of State

I, Frank Marsh, Secretary of State of the State of Nebraska, do hereby certify that on March 20th, 1944, Dwight Griswold, the duly elected, qualified and acting Governor of the State of Nebraska, transmitted to this office the appointment of Harry F. Russell as a Member of the Legislature for the 31st Legislative District, to fill a vacancy existing in the representation of said District, for the unexpired term, ending on January 2nd, 1945, and said appointment has been placed on file in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this 27th day of March in the year of our Lord, one thousand nine hundred and forty-four.

(Signed) Frank Marsh
Seal Secretary of State

**LETTER—From Secretary of State**

March 27, 1944

Mr. Hugo F. Srb
Clerk of the Legislature
Lincoln, Nebraska

Dear Mr. Srb:

We hand you herewith Certificate by the Secretary of State of the State of Nebraska, certifying as to the appointment of Lynn D. Hutton to fill the vacancy in the 15th Legislative District, in accordance with the provision of Chapter 32-1705 of the 1939 Cumulative Supplement to the Compiled Statutes of Nebraska, 1929.

Yours truly,
Frank Marsh, Secretary of State
By (Signed) J. C. Coupland, Jr.
Deputy

**CERTIFICATE**

State of Nebraska, Department of State

I, Frank Marsh, Secretary of State of the State of Nebraska, do hereby certify that on March 20th, 1944, Dwight Griswold, the duly elected, qualified and acting Governor of the State of Nebraska, transmitted to this office the appointment of Lynn D. Hutton as a Member of the Legislature for the 15th Legislative District, to fill a vacancy existing in the representation of said District, for the unexpired term, ending on January 2nd, 1945, and said appointment has been placed on file in my office.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska. Done at Lincoln this 27th day of March in the year of our Lord, one thousand nine hundred and forty-four.

(Signed) Frank Marsh
Seal Secretary of State

**MOTION—Committee to Escort Chief Justice**

Mr. President: I move that the President appoint a committee of three to escort Chief Justice Robert G. Simmons to the Legislative

Chamber for the purpose of giving the oath of office to the new members.

(Signed) Craven

The motion prevailed and the President appointed the following members to serve on said Committee:

Craven, Chairman Asimus Rakow

**MOTION—Committee to Escort New Members**

Mr. President: I move that the President appoint a committee of three to escort the new members to the rostrum.

(Signed) Hubka

The motion prevailed and the President appointed the following members to serve on said Committee:

Hubka, Chairman Reavis Cullingham

The committee retired and subsequently returned escorting the Chief Justice.

The committee to escort the new members retired and subsequently returned escorting Mr. Harry F. Russell and Mr. Lynn D. Hutton.

The required oath of office was administered by Chief Justice Robert G. Simmons to the new members, who were then escorted to their respective seats in the legislative chamber.

**MOTION—Committee to Notify Governor**

Mr. President: I move that the President appoint a committee of five to notify Governor Dwight Griswold that the Legislature is now organized and ready to receive any communications.

(Signed) Matzke

The motion prevailed, and the President appointed the following members to serve on said Committee:

Matzke, Chairman Gantz Thomas
Crosby D. S. Anderson

The Committee retired and subsequently returned escorting Governor Dwight Griswold, who delivered the following:

**MESSAGE TO THE LEGISLATURE**

Mr. President, Mr. Speaker, Members of the Legislature:

In view of the unusual conditions which today prevail, I feel that

the 1943 Legislature did a very fine job of anticipating the needs of the State of Nebraska. In my contacts with governors and legislators of other states, through the Governors' Conference and the Council of State Governments, I have had it brought home to me many times that this legislative body meeting a year ago, as well as your predecessor which met in 1941, did their work well. In spite of the emergency existing today, I had hoped that it might be possible for us to avoid this Special Session, but some things have arisen which could not have been anticipated. For that reason, I last week issued the following proclamation:

Proclamation

By virtue of the authority vested in the Governor by Section 8, Article IV of the Constitution of Nebraska, I, Dwight Griswold, as Governor of the State of Nebraska, believing that an extraordinary occasion has arisen, do hereby call the Legislature of Nebraska to convene in extraordinary session at the State Capitol on Monday, March 27, 1944, at 10 o'clock a.m., for the purpose of considering and, if deeming it advisable, enacting legislation relating to the following subjects:

1. To amend, revise and supplement the laws of the state relating to elections so as to facilitate and afford greater opportunity for the exercise of the elective franchise by absent voters.

2. To amend the laws of the state relating to public power and public power and irrigation districts, so as (a) to regulate the issuance, registration and sale of bonds of such districts and (b) to provide safeguards and limitations with respect to the employment of agents and the payment of fees in connection with the acquisition of property and financing of indebtedness.

3. To amend Section 6, Chapter 90, Session Laws of Nebraska, 1943, relating to the salary to be paid to county surveyors in counties having a population of more than seventeen thousand and not more than twenty thousand inhabitants.

4. To amend Chapter 115, Session Laws of Nebraska, 1943, relating to the preparation, printing, publication and sale of the Revised Statutes of Nebraska, 1943, and to appropriate additional funds to assist in defraying the cost thereof.

5. To confirm the appointment of the heads of civil departments and other officers requiring confirmation by the Legislature under the Constitution and Laws of Nebraska, where vacancies in office have occurred since the adjournment of the Fifty-Sixth Legislative Session.

6. To appropriate funds for the necessary expense of the extraordinary session herein called.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed this 21st day of March, 1944.

/s/ Dwight Griswold
Governor of Nebraska.

(State Seal)

By the Governor:

/s/ Frank Marsh
Secretary of State.

Paragraph one of the above proclamation refers to the revision of the laws relating to absentee voting. This has been discussed widely and you are already well informed relative to the existing situation. Several months ago I requested the Legislative Council to make a study of the matter and they have reported. I am sure that the bill which has been prepared will care for the problem.

We are in a rather peculiar situation. The Congress recently passed a Bill amending in a great many ways the present Federal law relative to soldier voting. This recent Congressional Act is now on the President's desk and will either become a law or be vetoed within the next few days. The universal judgment of political writers is that if the President disapproves the Bill, it cannot be passed over his veto. Your committee studying our state law will need to inform themselves relative to the present Federal law and also relative to the one which may become a law within a few days, and be prepared to coordinate our state law with the Federal. In the bill recently passed by Congress, for instance, they grant free air mail postage rights to state ballots, while this is not provided in the law which is in existence today. The President, however, must act by March 31st and we will, therefore, know within a few days what the Federal law will be.

Paragraph two refers to the matter of amending the laws relative to public power and irrigation districts, only so as to regulate the issuance and sale of bonds and to provide safeguards with respect to the employment of agents. This matter was brought to my attention a few weeks ago when I discovered that the Consumers Public Power District planned to refund their outstanding indebtedness and planned to handle the matter through an agent who was to receive a commission of one-half of one percent of the amount of bonds to be issued. The Consumers Public Power District is owned by the people of Nebraska who are its customers, and I feel that their business should be conducted as public business.

Whenever the Legislature has considered the matter, they have always required that public business be done upon a competitive bidding basis. In that manner the state lets contracts for the construction of

highways. In that manner the Legislature provided in 1943 for the sale of certain bonds held in the permanent school fund. Surely the people of Nebraska desire their public affairs to be operated in that manner. I, therefore, advised with the directors of the Consumers Public Power District and urged them to sell these bonds through competitive bidding, thereby saving the large expense involved in the employment of an agent to arrange the negotiations, and insuring that they would receive the highest possible price.

The majority of the directors of the District did not agree with me, however, and I finally requested the Attorney General to bring a suit against them, asking for an injunction against their further proceeding.

I now recommend to you that you enact legislation providing for a definite manner in which the public power and irrigation districts shall sell their bonds, and I also recommend that you provide safeguards and limitations with respect to the employment of agents and the payment of fees in connection with the acquisition of property and financing of indebtedness.

It is my understanding that the Consumers Public Power District now has a contract with Mr. Guy C. Myers providing that he shall be paid a commission whenever they purchase any property, and the more he pays for the property, the larger the commission he receives. This is what is known as a "cost plus" contract and certainly it is not proper. Under its provisions it means the District will pay more commission if money is wasted than if money is saved. The same "cost plus" rule also applies in connection with the issuance of bonds. We should take away this incentive to pay excessive prices for property and to issue an excessive amount of bonds.

I have come to the conclusion that the Consumers Public Power District is today so well established that they no longer need to employ agents to do this kind of work. The directors have employed a capable general manager and with the advice and help of the directors he surely can make whatever arrangements and contacts are necessary. They should be doing nothing which cannot be done out in the open, and the people of Nebraska have a right to expect public business to be handled in no other manner. Officials and employees of the public power districts are just as much in the public service as are state, county and municipal officials. It is the public's money which is being handled—it is the public's interest which should be protected.

Due to the difference of opinion which has recently arisen, I have been somewhat critical of the manner of conducting the business of the Consumers Public Power District. I desire to say to you, however, that in my estimation they have a well integrated public utility, capable

of rendering good service to the people of Nebraska, and in an economical manner. I do not wish to see any legislation enacted which will in any way "crucify" them or make it difficult for them to continue to render good service. We should all cooperate to make it possible for them to be of even greater value to the people of this state. It is right and proper that their indebtedness should be refunded, but notice of the sale of their new bonds should be given all interested parties throughout the nation so that the highest possible price will be received. There is no particular haste, however, as it is evident that high income tax rates will continue for many years to come and it is the tax-free feature of the bonds which makes them particularly valuable to the investor. I am sure that the four directors which will be elected from four different districts next November will also be vitally interested in the successful operation of this enterprise and in making it of greater service to the people of Nebraska.

Item three in the proclamation suggests the correction of an error which crept into a bill which was enacted a year ago and I am sure will cause little discussion.

In item four the call for the Special Session suggested the enactment of legislation to amend Chapter 115, Session Laws of Nebraska, 1943, relating to the preparation, printing, publication and sale of the Revised Statutes of Nebraska, 1943. This was made necessary by two considerations.

First, the Statute Commission Bill enacted by the Fifty-Sixth Legislative Session provided that the Report of the 1943 Statute Commission, together with all laws enacted during that Legislative Session, when published in the Revised Statutes of Nebraska, 1943, should comprise all of the general laws of the State of Nebraska in force and effect at the date of the publication thereof. The laws passed at this session will have to be either included in the Revised Statutes, or excepted from the operation of the foregoing provision. In my judgment, the Revised Statutes, when published, should include all of the laws in force at the date of publication, including the measures passed at this Special Session.

Second, the material to be published in the Revised Statutes is far exceeding the estimated number of pages upon the basis of which appropriation was made for the work of the Commission, and upon the basis of which contract for printing and binding the Statutes was let. It was necessary, in the fall of 1942, for the Director of the 1943 Statute Commission to make an estimate of the amount of money needed to print and bind the statutes. The work was not, at that time, completed. He estimated the number of pages to be printed at 3,000. This was based upon the best information then available, but it has

proved to be erroneous. In explanation, it should be understood that printer's copy is being furnished on cards rather than in manuscript form, and cannot be accurately measured.

Estimates of the cost of printing and binding of the statutes upon the basis of 3,000 pages were obtained from reliable printers, and the estimated cost was $33,500.00 to $35,000.00. The Statute Commission, in its request for appropriation, asked $60,000.00, being $25,000.00 to cover editorial work for one year, and $35,000.00 to cover the cost of printing and binding the statutes. The Legislature appropriated the requested sum of $60,000.00.

In September, 1943, the Statute Commission advertised for bids for printing and binding the statutes. The advertisement for bids estimated the number of pages to be printed at "3,000 pages, more or less". It was stated in the notice that the exact number of pages could not at that time be determined. On October 1, 1943, the printing contract was let, after competitive bidding, to the State Journal Printing Company at the rate of $10.67 per page. To protect against overrunning the amount available for the printing and binding, there was inserted a clause in the contract as follows: "In no event shall the amount payable under the contract exceed the sum of $35,000.00".

It now develops that the material to be included in the Revised Statutes will far overrun the estimated 3,000 pages, and will run at least 6,000 pages. One volume, number III, will alone run 3,000 pages, making it very thick and unwieldy. Because of this situation, it is deemed advisable by the Statute Commission to change the specifications to provide for a four volume instead of a three volume work.

The State Journal Printing Company, in good faith, entered upon the performance of the contract. The excess over 3,000 of the pages to be printed is such that it is not a reasonable variation from the specification of "3,000 pages, more or less". The State Journal Printing Company should not be expected to print 6,000 pages when it bid upon the contract upon the basis of 3,000 pages. Under date of March 8, 1944, it notified the Statute Commission that it did not intend to proceed with the printing, binding and delivery of the Revised Statutes, and tendered back the amount already paid to it under the contract. At the same time it offered to proceed to print, bind and deliver the Revised Statutes, provided the contract price was not limited to $35,000.00, in four volumes at $10.67 per page for the first 3,000 pages, and $7.62 per page for each page in excess thereof.

The State already has approximately $65,000.00 invested in the Revised Statutes. When the work is published, a large part of the costs will be returned by the sale thereof. If the work is to be completed, it will be necessary to authorize the Statute Commission to consent to

a modification of the contract and enter into a supplemental agreement with the State Journal Printing Company, or else re-advertise and let a new contract. In any event, it will be necessary to have an additional appropriation to complete the work.

The other items in the call are routine, providing for the confirmation of appointments I have made since you adjourned and providing for an appropriation bill for the necessary expense of this Session. I have full confidence in your ability and willingness to solve these several matters and I assure you that I wish to cooperate with you to further the welfare of the people of Nebraska.

Our Nation is today involved in the most terrible war of its entire history. Our economic, social and political life is tremendously upset. I desire, however, to call your attention to the fact that we here at home have a tremendous responsibility at this particular time. If we in Nebraska operate our government in a clean, decent and economical manner, we are furnishing an example to the Nation, and we are keeping faith with those who are fighting our battles on many fronts all over the world. These young men and women wish to return home just as soon as possible and they want to find Nebraska the kind of a state of which they can be proud. It is our duty to see that they have that opportunity. Our work at home is tremendously important and we can not—we must not break faith.

Respectfully submitted,
Dwight Griswold,
Governor.

**MOTION—To Appoint New Members on Committees**

Mr. President: I move that the new members, Mr. Lynn D. Hutton and Mr. Harry F. Russell, be appointed on the committees served by their predecessors, Mr. H. G. Greenamyre and Mr. Harry E. Bowman, and that, with this exception, the membership on all standing committees be the same as during the regular session.

(Signed) James H. Anderson

The motion prevailed.

**MOTION—Clerk to Furnish Supplies**

Mr. President: I move that the Clerk be authorized to furnish supplies for the Legislature.

(Signed) Klaver

The motion prevailed.

**BILLS ON FIRST READING**

The following bill was read the first time by title:

**LEGISLATIVE BILL 1.** By Hubka of Gage.

A bill for an act to amend sections 32-301, 32-812, 32-918, 32-921, 32-925, 32-927, 32-1011, 32-1110, 32-1128, 32-1129, 32-1132, 32-1140, as amended by Legislative Bill No. 101, Fifty-Sixth Session, Nebraska State Legislature, 1943, sections 32-1158, 32-1165, and 32-1173, as amended by Legislative Bill No. 101, Fifty-Sixth Session, Nebraska State Legislature, 1943, Compiled Statutes of Nebraska, 1929, and sections 32-503, 32-802, as amended by Legislative Bill No. 303, Fifty-Sixth Session, Nebraska State Legislature, 1943, 32-803, 32-805, 32-806, 32-807, 32-808, 32-817, 32-1107, 32-1108, 32-1112, 32-1123, as amended by Legislative Bill No. 101, Fifty-Sixth Session, Nebraska State Legislature, 1943, 32-1124, 32-1127, 32-1133, 32-1134, 32-1135, 32-1159, 32-1164, as amended by Legislative Bill No. 101, Fifty-Sixth Session, Nebraska State Legislature, 1943, 32-1201, 32-1205, 32-1208, 32-1405, 32-1515, and 32-1812, C. S. Supp., 1941, relating to elections; to amend and alter the time in which acts may be done under the election laws in order to provide adequate time for exercise of the election franchise by absent voters; to provide that application for absent voter's ballot may be made not more than sixty days before election; to provide that absent voters' ballots shall be ready for delivery to the voter not less than forty days before election; to provide the time within which absent voters' ballots must be returned; to provide the days when county and state canvassing boards shall meet; to provide that the county clerk shall transmit to the Secretary of State the abstract of all votes cast for members of the legislature; to provide that the Secretary of State shall issue certificates of election to those elected members of the legislature; to provide final dates when candidates may file for office; to provide the dates when primary elections shall be held; to provide filing fees for candidates; and, to repeal said original sections.

**MOTION—To Suspend Rules and Refer**

Mr. Neubauer moved that the rules be suspended and L. B. 1 be referred at once.

The motion prevailed with 38 ayes, no nays, 5 not voting.

L. B. 1 was referred to Committee on Government.

**MOTION—To Suspend Rules on Notice of Hearing**

Mr. President: I move that Sec. 3 of Rule 7 be suspended calling for 5 days hearing notice, and ordering the Committee on Government to hold hearing on L. B. 1 at 2:00 p. m. Wednesday, March 29, 1944.

(Signed) Doyle

The motion prevailed with 39 ayes, no nays, 4 not voting.

## MESSAGE FROM GOVERNOR

### Appointments

March 27, 1944.

To the President, the Speaker and
Members of the Legislature.

Gentlemen:

I desire to inform your honorable body that on August 28, 1943, I appointed the following members of the Nebraska Brand Committee:

C. J. Abbott, Hyannis, 4-year term
Irwin Adamson, Cody, 3-year term
Earl Monahan, Hyannis, 2-year term
Don B. Reynolds, North Platte, 1-year term.

On August 28, 1943, I also appointed the following members of the State Real Estate Commission:

J. B. Hillers, Hastings, 4-year term
Frank J. Davis, Broken Bow, 3-year term
Clark B. Evans, Wisner, 2-year term
T. H. Maenner, Omaha, 1-year term.

Respectfully submitted,
(Signed) Dwight Griswold
Governor of Nebraska.

### Appointments

March 27, 1944.

To the President, the Speaker and
Members of the Legislature.

Gentlemen:

For the information and consideration of your honorable body, I am pleased to advise you that in accordance with Section I, Article IV of the Constitution of Nebraska, I appointed, on October 1, 1943, Mrs. Lorena Hahn of Omaha to serve as a member of the Board of Control of State Institutions for the term during which Golden P. Kratz shall serve in the United States Army, as provided by Section 32-1701, C. S. Supplement 1941.

On July 1, 1943, I appointed O. M. Olsen, Omaha, Judge of the Nebraska Workmen's Compensation Court for the term expiring June 30, 1949.

On July 1, 1943, I also appointed Donald P. Miller, Lincoln, State Labor Commissioner.

On August 29, 1943, I appointed Blaine Yoder, Falls City, State Purchasing Agent for the term expiring January 9, 1947.

Respectfully submitted,
(Signed) Dwight Griswold
Governor of Nebraska.

**Appointments**

March 27, 1944.

To the President, the Speaker and
Members of the Legislature.

Gentlemen:

In accordance with Section I, Article IV of the Constitution of Nebraska, I am pleased to submit for your information and consideration the following appointments:

Romaine Saunders, Atkinson, a member of the Nebraska Public Library Commission until June 8, 1946.

William W. Cook, Beatrice; Donald D. Mapes, Norfolk; and Max Kier, Lincoln; members of the State Aeronautics Commission until January 1, 1948.

Mrs. R. W. Hill, Hebron, a member of the Board of Education for State Normal Schools until January 1, 1945.

Dr. C. H. Silvernail, Bridgeport, a member of the Game, Forestation and Parks Commission for the term expiring January 15, 1949.

Respectfully submitted,
(Signed) Dwight Griswold
Governor of Nebraska.

**Recess**

At 11:43 a. m., on motion by Mr. Weborg, the Legislature recessed until 2:00 p. m.

**After Recess**

The Legislature reconvened at 2:00 p.m., President Johnson presiding.

The roll was called and all members were present except Messrs. Asimus, Thompson and Reavis, and except Mr. Carmody who was excused.

REQUEST—For Unanimous Consent

Mr. Hubka asked that unanimous consent be granted to amend L. B. 1 by adding the words "at the request of the Governor" after the name of the introducer.

No objection was offered. So ordered.

## NOTICE OF COMMITTEE HEARINGS

### Committee on Committees

Appointments by Governor Griswold, mentioned in this day's Journal, set for Monday, April 3, 1944, at 2:00 p.m.

## STANDING COMMITTEE REPORTS

### Committee on Committees

Mr. President: The Committee on Committees has had under consideration the selection of a chairman for the Appropriations Committee and has chosen Fred A. Mueller to act as chairman.

(Signed) Tvrdik, Chairman

Mr. Tvrdik moved that the report be adopted.

The motion prevailed.

The Legislature was at ease from 2:30 to 3:30 p.m. while the bill drafter finished the preparation of the bills.

## BILLS ON FIRST READING (Continued)

The following bills were read the first time by title:

**LEGISLATIVE BILL 2.** By Gantz of Box Butte.

A bill for an act to amend Chapter 115, Session Laws of Nebraska, 1943, relating to the preparation, printing and publication of the Revised Statutes of Nebraska, 1943; to provide for the inclusion therein of all laws passed at the Fifty-Seventh Session of the Nebraska State Legislature; to authorize changes in the printing and binding specifications thereof; to provide for publication thereof in four volumes instead of three; to confer further and additional powers upon the 1943 Statute Commission with reference to contracting for the printing and binding thereof; to provide an appropriation; to repeal Sections 3, 4, 8, 15 and 17, Session Laws of Nebraska, 1943; and to declare an emergency.

**LEGISLATIVE BILL 3.** By Raecke of Merrick.

A bill for an act to amend Section 70-709, C. S. Supp., 1941, relating to public power and public power and irrigation districts; to re-

quire all bonds sought to be issued by any such district to be offered at public sale; to require public notice to be given thereof and prescribe the manner thereof; to prescribe the procedure for sale of such bonds; to provide for registration of all bonds issued by any such district with the Auditor of Public Accounts; to repeal original Section 70-709, C. S. Supp., 1941; and to declare an emergency.

**LEGISLATIVE BILL 4.** By Committee on Appropriations, by Mueller of Buffalo.

A bill for an act to provide for the compensation of employees, mileage of members, and for supplies and other incidental expenses incurred during the Fifty-Seventh (Extraordinary) Session of the Legislature of the State of Nebraska; to appropriate the sum of ten thousand dollars therefor; and to declare an emergency.

**LEGISLATIVE BILL 5.** By Anderson of Scotts Bluff.

A bill for an act to amend Section 70-705, C. S. Supp., 1941, as amended by Section 2, Chapter 146, Session Laws of Nebraska, 1943, relating to public power and public power and irrigation districts; to prohibit payment of fees or other compensation to any agent of any such district in connection with the acquisition of property or financing of indebtedness where such fees or compensation are based upon a percentage of and increase with the amount of the purchase price of the property acquired or the indebtedness financed; to require all payments of compensation to any such agent in excess of ten thousand dollars during any one year to be approved by two-thirds or more of the members of the board of directors, and to be published in a prescribed manner; to provide penalties for the violation of this act; to repeal original Section 70-705, C. S. Supp., 1941, as amended by Section 2, Chapter 146, Session Laws of Nebraska, 1943; and to declare an emergency.

**LEGISLATIVE BILL 6.** By Crosby of Lincoln.

A bill for an act to amend Section 6, Chapter 90, Session Laws of Nebraska, 1943, relating to the salary to be paid to county surveyor in counties having a population of more than seventeen thousand and not more than twenty thousand inhabitants; to provide for the payment of county surveyor in such counties upon such per diem as may be fixed by the county board; to repeal the original section; and to declare an emergency.

**Referred to Standing Committees**

| L.B. | Introducer | Committee Reference |
|---|---|---|
| 2 | Gantz | Judiciary |

| | | |
|---|---|---|
| 3 | Raecke | Public Works |
| 5 | James H. Anderson | Public Works |
| 6 | Crosby | Public Health and Miscellaneous Subjects |

**MOTION—To Suspend Rules on Public Hearing**

Mr. President: I move that the rules be suspended and that a public hearing be had on L. B. 2 at 2:00 p.m. Wednesday, March 29, 1944.

(Signed) Gantz

The motion prevailed with 39 ayes, no nays, 4 not voting.

**MOTION—To Suspend Rules and Place on General File**

Mr. President: I move that the rules be suspended and L. B. 4 be placed on General File.

(Signed) Mueller

The motion prevailed with 35 ayes, no nays, 8 not voting.

**MOTION—To Suspend Rules on Public Hearing**

Mr. President: I move that the rules be suspended and that the hearing on L. B. 3 be held Wednesday, March 29, 1944, at 2:00 p.m.

(Signed) Mischke

The motion prevailed with 35 ayes, no nays, 8 not voting.

**MOTION—To Suspend Rules on Public Hearing**

Mr. President: I move that the rules be suspended and that the hearing on L. B. 5 be held Thursday, March 30, 1944, at 2:00 p.m.

(Signed) Mischke

The motion prevailed with 35 ayes, no nays, 8 not voting.

**MOTION—To Suspend Rules on Public Hearing**

Mr. President: I move that the rules be suspended and that a public hearing be held on L. B. 6 Wednesday, March 29, 1944, at 2:00 p.m.

(Signed) Foster

The motion prevailed with 37 ayes, no nays, 6 not voting.

**Adjournment**

At 4:55 p.m. Mr. Tvrdik moved that the rules be suspended and that the Legislature adjourn until 10:00 a.m. Tuesday, March 28.

The motion prevailed with 33 ayes, no nays, 10 not voting.

Hugo F. Srb
Clerk of the Legislature.

# SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 28, 1944

Pursuant to adjournment the Legislature met at 10:00 a. m. President Johnson presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Hubka and Thompson.

The Journal for the First Day was approved.

### REQUEST—For Unanimous Consent

Mr. Crosby asked that unanimous consent be granted to add the name of Joseph C. Reavis as chief introducer of L. B. 6.

No objection was offered. So ordered.

### RESOLUTIONS

**LEGISLATIVE RESOLUTION 1. Federal Income Tax Laws**

Messrs. Foster, Mueller and Cullingham introduced a resolution memorializing the Congress of the United States to simplify the income tax laws of the United States.

### MOTION—To Suspend Rules

Mr. President: I move that the rules be suspended and that we take action on the resolution now.

(Signed) Foster

Speaker Crosby raised the point of order that the resolution concerned a subject not mentioned by the Governor in his proclamation.

The President ruled that the resolution was out of order.

**Adjournment**

At 11:00 a. m. Mr. Gantz moved that the rules be suspended and that the Legislature adjourn until 10:00 a. m. Wednesday.

The motion prevailed with 34 ayes, no nays, 9 not voting.

Hugo F. Srb
Clerk of the Legislature.

# THIRD DAY

Legislative Chamber, Lincoln, Nebraska

Wednesday, March 29, 1944

Pursuant to adjournment the Legislature met at 10:00 a. m. President Johnson presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. James H. Anderson, Cullingham and Thompson.

The Journal for the Second Day was approved.

**Invitation**

A letter was read from Mr. Carl E. Knapp, Capitol Tourist Lecturer, inviting the members to a specially conducted tour through the building.

**Members Excused**

Mr. Lee was excused for two days and Mr. Norman was excused for Thursday.

**Visitor**

Speaker Crosby introduced Mr. Dave Hamil, a member of the Colorado House of Representatives, who addressed the Legislature briefly.

**Adjournment**

At 10:25 a. m. Mr. Tvrdik moved that the rules be suspended and that the Legislature adjourn until 10:00 a. m. Thursday.

The motion prevailed with 39 ayes, no nays, 4 not voting.

Hugo F. Srb
Clerk of the Legislature.

# FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 30, 1944

Pursuant to adjournment the Legislature met at 10:00 a. m. President Johnson presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Lee and Norman, who were excused.

The Journal for the Third Day was approved.

## STANDING COMMITTEE REPORTS

### Public Health and Miscellaneous Subjects

**LEGISLATIVE BILL 6.** Placed on General File.

(Signed) Foster, Chairman

### Judiciary

**LEGISLATIVE BILL 2.** Placed on General File.

(Signed) Gantz, Chairman

### Government

**LEGISLATIVE BILL 1.** Placed on General File.

(Signed) Doyle, Chairman

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 2. Memorial to Harry E. Bowman.**
Introduced by Harry F. Russell.

Harry E. Bowman was born at Lathrop, Missouri, in 1870 and came to Nebraska in 1892. He was educated in country schools in Missouri and attended college in Cameron, Missouri (the college later merged with Baker University). He served in the Nebraska House of Representatives in 1905, and in the Unicameral Legislature in 1941 and 1943, and was, at the time of his death, the oldest member then serving. He died at his home in Hastings, Nebraska, on June 18, 1943. For twenty-eight years prior to his death he had resided in Hastings where he had served on the School Board, and on the City Council, and had been active in business and civic affairs. He was highly respected by his colleagues in the Legislature and his death was mourned by all who knew him.

WHEREAS, it is the desire of this body to pay tribute to the memory of our beloved colleague, NOW THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN FIFTY-SEVENTH (EXTRAORDINARY) SESSION ASSEMBLED:

That we pause for a moment in our deliberations, and stand in humility and reverence in honor of our departed member, Harry E. Bowman, who served so loyally and ably as a member of our body.

That the Clerk of the Legislature be directed to spread at large on the Legislative Journal this resolution, and that a copy of said resolution, properly authenticated and suitably engrossed, be sent by the Clerk to the bereaved family of our departed colleague, as an expression of our respect for the deceased, and our sympathy for the bereaved.

Mr. Russell made a few appropriate remarks and moved that the rules be suspended and the resolution be considered at once.

The motion prevailed with 39 ayes, no nays, 4 not voting.

Mr. Russell moved that the resolution be adopted.

The motion prevailed and the assembly paused a moment in silent tribute to the departed member.

**Tribute to Captain Graham**

Mr. Gantz arose to pay tribute to Captain William H. Graham, a former reporter who covered the 1941 session of this Legislature and who was killed in action in New Guinea on March 20 while in line of duty as an Army Air Corps Intelligence Officer.

## GENERAL FILE

**Speaker Crosby Presiding**

**LEGISLATIVE BILL 4.** Read and considered.

Referred to E and R for review.

**LEGISLATIVE BILL 6.** Read and considered.

Mr. Reavis moved that the bill be referred to E and R for review.

The motion prevailed with 37 ayes, 1 nay, 5 not voting.

**LEGISLATIVE BILL 2.**

Mr. Mueller asked that unanimous consent be granted to have only the new matter in the bill read.

No objection was offered. So ordered.

Mr. Gantz offered the following amendment, which was adopted:

Amend page 6 of the bill, section 5, lines 39 and 40, by striking the words "six copies each to the Attorney General and Nebraska Railway Commission", and inserting in lieu thereof "ten copies to the Attorney General; six copies to the Nebraska Railway Commission".

Referred to E and R for review.

**LEGISLATIVE BILL 1.**

Mr. Peterson asked that unanimous consent be granted to read only the new and stricken matter in the bill.

No objection was offered. So ordered and read.

**Adjournment**

At 12:07 p.m. Mr. Foster moved that the rules be suspended and that the Legislature adjourn until 10:00 a.m. Friday.

The motion was lost with 21 ayes, 12 nays, 10 not voting.

Mr. Gantz moved that the Legislature adjourn.

The motion prevailed.

Hugo F. Srb
Clerk of the Legislature.

# FIFTH DAY

Legislative Chamber, Lincoln, Nebraska

Friday, March 31, 1944

Pursuant to adjournment the Legislature met at 9:00 a.m. President Johnson presiding.

Prayer was offered by The Reverend J. Wilfred Walker of Durant, Oklahoma.

The roll was called and all members were present except Messrs. Dooley and Lee, who were excused.

The Journal for the Fourth Day was approved.

## STANDING COMMITTEE REPORTS

### Public Works

**LEGISLATIVE BILL 3.** Placed on General File with amendments.

Standing Committee amendments to L. B. 3 (printed bill):

1. Amend the bill, Section 1, line 67, page 3, by inserting after the word "issues" the words "**the first issue at least ten full days**".

2. Amend the bill, Section 1, line 74, page 3, by adding at the end of the line words "**maximum average**".

3. Amend the bill, Section 1, line 78, page 4, by inserting after the word "sold" and before the punctuation "." the words "**and such other specifications as the board may deem advisable**".

4. Amend the bill, Section 1, line 82, page 4, by inserting the word "**coupon**" after the word "interest" and before the word "rate".

5. Amend the bill, Section 1, line 96, by inserting after the word "offered" and before the punctuation "," the words "**or adding the discount**".

6. Amend the bill, Section 1, lines 99 and 100, page 4, by striking the words "no bids are" and inserting in lieu thereof, the words "**not more than one bid is**".

7. Amend the bill, Section 1, line 108, by inserting after the punctuation "." and before the word "When", the words and punctuation "**no such negotiated bid shall be accepted that is lower than any rejected bid.**"

8. Amend the bill, Section 1, lines 88 and 89, page 4, by striking the words "in Nebraska".

**LEGISLATIVE BILL 5.** Placed on General File.

(Signed) Mischke, Chairman

## GENERAL FILE

**LEGISLATIVE BILL 1.**

Mr. Neubauer offered the following amendment:

Amend the Bill, Page 24 (page 25 printed bill), Section 19, Line 5, by striking therefrom the word "**July**", and inserting in lieu thereof the word "**April**".

Mr. Gutoski moved to amend the Neubauer motion.

The Gutoski motion was lost.

Mr. Heiliger offered the following amendment to the Neubauer motion:

That the Neubauer amendment be changed from "April" to "June".

The Heiliger motion prevailed.

Vote was taken thereon and the Neubauer motion, as amended, prevailed and the amendment was adopted.

Mr. Gantz made a motion regarding an amendment to the bill.

Mr. James H. Anderson rose to a point of order that the amendment was not in proper form.

The point of order was sustained by the Chair.

Speaker Crosby moved to suspend the rules and consider the Gantz motion as offered by him.

The motion prevailed with 35 ayes, 2 nays, 6 not voting.

The Clerk read the Gantz motion as follows:

I move to amend L. B. 1 (printed bill) to accomplish the following in principle and if possible to work out in proper form:

1. To instruct County Clerks to send ballots to Secretary of State for all those over 21 years of age in military service from the county.

2. Secretary of State get from Government addresses of those for whom ballots are so sent, and to send ballot to that soldier by mail.

3. Soldier, if he desires to vote, take ballot to his officer, then and there vote; officer make certificate that party voting was the party named to receive the ballot and ballot sealed and certificate and ballot mailed by officer to County Clerk of county of which voter is a resident, to be checked and, if satisfactory, counted.

**Visitor**

Mr. Mischke introduced Lt. Merritt Pedersen of Lincoln, now with the United States Navy.

**General File (Continued)**

After further discussion, the Gantz motion lost with 7 ayes, 29 nays, 7 not voting.

Mr. Gutoski offered the following amendment:

Amend page 55, Sec. 41, lines 11, 12 and 13, (printed bill) by striking the words "and in the military or naval service of the United States of America or of the state of Nebraska".

**Recess**

At 12:02 p.m. on motion by Mr. Foster the Legislature recessed until 2:00 p.m.

**After Recess**

The Legislature reconvened at 2:00 p.m. President Johnson presiding.

The roll was called and all members were present except Mr. Rakow, and except Messrs. Dooley and Lee who were excused.

**GENERAL FILE**

**LEGISLATIVE BILL 1.**

The Clerk read Mr. Gutoski's motion, offered before recess.

The motion prevailed with 31 ayes, no nays, 12 not voting.

The amendment was adopted.

**Visitor**

Mr. Osborne introduced Mr. Joe Steele from Kimball, Nebraska, a former member of the Legislature.

**General File (Continued)**

Mr. Raecke offered the following amendments, which were adopted:

1. Amend the printed bill, Section 5, page 10, as follows:

In line 40, after the word "voter" strike the punctuation and words ", and shall"; strike all of line 41, and in line 42 strike the words and punctuation "said county on the day of such election,"; insert in lieu thereof the punctuation "." and the words "In the case of an absent voter the oath shall state that the voter is about to be absent from said county on the day of such election. In all cases it shall further state".

2. Amend the printed bill by striking all of Section 21 and renumbering the following sections accordingly.

Mr. Mekota offered the following amendments, which were adopted:

1. Amend the printed bill, Sec. 5, by striking out the words "and place" in line 68 thereof, and by adding after the word "certificate" and before the word "and" in line 69, the following: "and the place of such execution if the voter is not in the military or naval service of the United States".

2. Amend the printed bill, Subdivision 2 of Sec. 5, as follows: Add the words "sick or disabled" after the word "the" and before the word "voter's" in line 19, and strike the words "sick or disabled" in lines 20 and 21.

**Mr. Mischke Presiding**

Mr. Doyle offered the following amendment, which was adopted:

Amend the printed bill, Sec. 9, Page 16, line 23, after the word "election" by striking balance of line, also lines 24, 25, 26, 27, 28, and in line 29 the words "by 9½ inches".

Mr. Matzke offered the following amendment, which was adopted:

Amend L. B. 1 (printed bill), Sec. 38, Pages 49, 50 and 51, by striking all new matter—reinserting all stricken matter—then in line 10 strike "forty" and insert "sixty".

Mr. Mekota offered the following amendment, which was adopted:

That Sec. 3 of L. B. 1 (printed bill) be amended by striking the word "sixty" in line 11, and by inserting the word "ninety" in lieu thereof.

Mr. Hubka offered the following amendment, which was adopted:

That Sec. 9, Page 16, (printed bill) be amended by inserting after the word "Election," in line 23, the following: "It is recommended that in order to reduce the weight and bulk for air transport of absentee voting material being sent to persons to whom this act is applicable, reduce in size and weight of paper, as much as possible, envelopes, ballots, and instructions for voting procedure".

Mr. Mekota offered the following amendment, which was adopted:

That L. B. 1 be amended, page 7, Sec. 3 (printed bill) by adding the following after the word "precinct" and before the punctuation " semicolon" in line 42, "regardless of the time received prior to the election".

Mr. Peterson moved that the Attorney General be requested to cooperate with the Committee on Enrollment and Review in presenting suitable amendments to make L. B. 1 conform to the ruling of the War Department with reference to registration blanks.

The motion prevailed.

Referred to E and R for review.

**LEGISLATIVE BILL 3.** Read and considered.

Standing committee amendments found in this day's Journal were adopted.

**President Johnson Presiding**

Mr. Raecke moved to refer to E and R for review.

**Visitor**

Mr. Cullingham announced that Governor Edward Thye of Minnesota was with Governor Griswold and suggested that they be invited to visit the Legislature.

The President appointed Messrs. Cullingham, Crosby and Weborg to escort the Governor and his guest to the Legislative chamber.

The committee retired and subsequently returned with the guests.

Governor Griswold introduced Governor Thye, who addressed the Legislature briefly.

The President introduced Sgt. Francis W. Brown, a member of the Indiana State Senate, who addressed the Legislature briefly.

**Members Excused**

Messrs. Russell, Reavis, Lee, Sorrell and Conklin were excused for Saturday.

**General File (Continued)**

Mr. Raecke's motion to refer to E and R was considered further.

Mr. Garber moved that L. B. 3 be referred to the Legislative Council for further consideration.

Mr. Raecke raised the point of order that the Garber motion was out of order.

The President so ruled.

Mr. Garber moved to strike the enacting clause.

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 6.** Placed on Select File with amendments.

E and R amendments to L. B. 6:

Section 1, page 2, line 22, strike the line number "22", as the new matter in said line will replace the stricken matter in line 21; and renumber the remaining lines in said section to conform therewith.

**LEGISLATIVE BILL 4.** Placed on Select File with amendments.

E and R amendments to L. B. 4:

1. Section 1, page 1, line 3, strike the comma after the word "Fund" and insert a comma after the word "for" and before the word "the"; line 4, strike the words "and for" at the end of said line, and in lieu thereof insert a comma.

2. Sec. 2, page 2, strike the comma in line 11 after the word "Administration" and also after the word "and", and in line 13, after the word "Accounts".

**LEGISLATIVE BILL 2.** Placed on Select File with amendments.

E and R amendments to L. B. 2:

1. In the title, page 1, sixth line, after "Fifty-Seventh" and before "Session" insert: "(Extraordinary)".

2. Strike the word "session" and in lieu thereof insert the word "session" and strike the word "sessions" and in lieu thereof insert "(extraordinary) session" in Section 1, page 1, line 4, Section 2, page 2, line 8, also line 15.

3. Section 2, page 2, line 9, after the word "therefrom" insert a comma.

4. Section 3, page 3, line 6, after the word "fifty-sixth" insert the word "session" and after the word "fifty-seventh" strike the word "sessions" and in lieu thereof insert: "(extraordinary) session".

5. Section 5, page 5, strike the comma in line 18, after "contract"; also in line 24, after "event".

6. Amend the amendment made by Harry E. Gantz, fourth line, by inserting, after the quotation mark and before the word "ten", the following:

"six copies each to the Attorney General and Nebraska Railway Commission".

(Signed) James H. Anderson, Chairman

**Adjournment**

At 5:15 p.m. Mr. Thompson moved that the rules be suspended and the Legislature adjourn until 9:00 a.m. Saturday, April 1, 1944.

The motion prevailed with 36 ayes, no nays, 7 not voting.

Hugo F. Srb
Clerk of the Legislature.

# SIXTH DAY

Legislative Chamber, Lincoln, Nebraska

Saturday, April 1, 1944

Pursuant to adjournment the Legislature met at 9:00 a.m. President Johnson presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Mr. Rakow, and except Messrs. Conklin, Dooley, Reavis, Sorrell and Thomas, who were excused.

The Journal for the Fifth Day was approved.

## GENERAL FILE

**LEGISLATIVE BILL 3.**

Mr. Garber's motion to strike the enacting clause was considered and was lost with 5 ayes, 27 nays, 11 not voting.

Mr. Cullingham offered an amendment which was lost with 11 ayes, 19 nays, 13 not voting.

### Visitor

Mr. James H. Anderson introduced Mr. A. T. Howard of Scottsbluff, a former member of the Legislature.

**General File (Continued)**

**LEGISLATIVE BILL 3.** Referred to E and R for review.

**REQUEST—For Unanimous Consent**

Mr. Gutoski asked that unanimous consent be granted to return L. B. 1 to General File for further consideration.

No objection was offered. So ordered.

**General File (Continued)**

**LEGISLATIVE BILL 1.**

Mr. Gutoski offered the following amendments, which were adopted:

1. Amend page 8 of the bill, section 4, lines 12 and 13, by striking the words "is in the military or naval service of the United States of America or of the state of Nebraska," and substituting in lieu thereof the words "is absent from the county of his residence".

2. Amend page 17 of the bill, section 10, lines 6 and 7 by striking the words "who is in the military or naval service of the United States of America or the state of Nebraska, and,".

3. Amend page 51 of the bill, section 39, line 6, by inserting a comma after the word "vote".

4. Amend page 51 of the bill, section 39, by striking all of lines 7 to 12 inclusive, and substituting in lieu thereof the words "personally present themselves for registration or who shall, upon return of an absent voter's".

5. Amend page 51 of the bill, section 39, line 15, by striking the word "his" and substituting in lieu thereof the word "the".

Mr. Doyle offered the following amendment, which was adopted:

Amend the Bill, Page 13, Section 7, lines 7 to 10 inclusive by striking therefrom in Line 7 the words "any commissioned"; by striking all of lines 8 and 9; and by striking line 10 up to and including the words and punctuation "Guard,", and inserting in lieu thereof the following:

"any commissioned officer, non-commissioned officer not below the rank of sergeant, or petty officer, in the armed forces of the United States and any member of the Merchant Marine of the United States designated for this purpose by the Administrator of the War Shipping Administration".

Referred to E and R for review.

**REQUEST—For Unanimous Consent**

Mr. Peterson asked for unanimous consent to consider bills on Select File.

No objection was offered. So ordered.

**SELECT FILE**

Mr. James H. Anderson moved that the rules be suspended and bills on Select File be considered at once.

The motion prevailed with 36 ayes, no nays, 7 not voting.

**Visitor**

Mr. Matzke announced that Mr. Wendell Willkie of New York was with Governor Griswold and suggested that they be invited to visit the Legislature.

The President appointed Messrs. Matzke, Crosby, Hanna, Russell and Hubka to escort the Governor and his guest to the Legislative Chamber.

The committee retired and subsequently returned with the guests.

Governor Griswold introduced Mr. Wendell Willkie, who addressed the Legislature briefly.

**Select File (Continued)**

**Mr. Gantz Presiding**

**LEGISLATIVE BILL 4.** E and R amendments, found in the Legislative Journal for the Fifth Day, were adopted.

Referred to E and R for engrossment.

**LEGISLATIVE BILL 6.** E and R amendments, found in the Legislative Journal for the Fifth Day, were adopted.

Referred to E and R for engrossment.

**LEGISLATIVE BILL 2.** E and R amendments, found in the Legislative Journal for the Fifth Day, were adopted.

Referred to E and R for engrossment.

**General File (Continued)**

**LEGISLATIVE BILL 5.**

The Chair announced that if no objection was offered, only the new matter in the bill would be read.

No objection was offered. So ordered and read.

Mr. James H. Anderson offered the following amendments:

1. Amend page 4 of the bill, section 1, by striking lines 89 to 93 inclusive, and substituting in lieu thereof: "however, as to any such contract heretofore made that is legally binding upon any such district, this act shall not prevent payment of fees or compensation according to the terms thereof. Any officer or director of any such district,".

2. Amend page 4 of the bill, section 1, line 95, by inserting after the punctuation following the word "agreement" the following: "contrary to the provisions of this act,".

**Adjournment**

At 11:45 a.m. Mr. Mekota moved that the rules be suspended and the Legislature adjourn until 10:00 a.m. Monday, April 3, 1944.

The motion was lost with 6 ayes, 20 nays, 17 not voting.

## General File (Continued)

**LEGISLATIVE BILL 5.**

Mr. Anderson's amendments above set out were adopted.

Mr. James H. Anderson moved to lay the bill over until 10:00 a.m. Monday.

The motion prevailed.

## Adjournment

At 12:30 p.m. on motion by Mr. Mischke the Legislature adjourned.

Hugo F. Srb
Clerk of the Legislature.

# SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska

Monday, April 3, 1944

Pursuant to adjournment the Legislature met at 9:00 a.m. President Johnson presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Doyle, Rakow and Thompson.

The Journal for the Sixth Day was approved.

### Communications

A letter was read from Miss Perkins of Omaha.

### MOTION—To Send Flowers

Mr. Mueller moved that flowers be sent to Phil Wadhams, reporter for the State Journal Company, who is in the hospital.

The motion prevailed.

### MOTION—To Consider L. B. 5

Mr. Mischke moved that L. B. 5 be taken up at this time.

The motion prevailed.

## GENERAL FILE

**LEGISLATIVE BILL 5.**

Mr. James H. Anderson moved to amend the bill as follows:

1. Amend page 4 of the bill, section 1, by striking the words "which fee or compensation is based" in line 83 and all of lines 84 to 86, inclusive, and inserting in lieu thereof: "which fee or compensation is either (a) based upon a percentage of and increases with the amount of the purchase price of the property acquired, or is (b) based upon a percentage of the amount of the indebtedness financed. Every contract in which such district".

2. Amend page 4 of the bill, section 1, line 87, by inserting after the word "upon" the word "any".

**Mr. Osborne Presiding**

Mr. Crosby moved to amend the Anderson motion as follows:

Amend the Anderson amendment, subdivision (a), by striking the words "based upon a percentage of and".

And strike the words "is either" in lines 4 and 5.

**President Johnson Presiding**

The Crosby motion prevailed.

Mr. Peterson moved to amend the Anderson amendment by striking from paragraph 1 the following: "or is (b) based upon a percentage of the amount of the indebtedness financed".

The motion prevailed.

The Anderson amendments, as amended, were adopted.

Mr. James H. Anderson moved to refer to E and R for review.

Record vote was requested.

Voting in the affirmative, 22: D. S. Anderson, James H. Anderson, Brodahl, Burnham, Conklin, Crosby, Cullingham, Dooley, Foster, Gantz, Hanna, Heiliger, Hubka, Hutton, Jeffords, Klaver, Lee, Matzke, Mekota, Raecke, Russell and Tvrdik.

Voting in the negative, 9: Asimus, Carmody, Crossland, Garber, Jeppesen, Neubauer, Sorrell, Thomas and Weborg.

Not voting, 12: Craven, Doyle, Gutoski, Mischke, Mueller, Norman, Ogden, Osborne, Peterson, Rakow, Reavis and Thompson.

The motion prevailed.

Referred to E and R for review.

**Recess**

At 11:15 a.m. on motion by Mr. James H. Anderson the Legislature recessed until 3:00 p.m.

**After Recess**

The Legislature reconvened at 3:00 p.m. President Johnson presiding.

The roll was called and all members were present except Messrs. Doyle, Jeppesen, Rakow, Sorrell and Thompson.

## STANDING COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 3.** Placed on Select File with amendments

E and R amendments to L. B. 3:

1. In the printed bill, Section 1, page 3, insert a comma in line 67 after "**issues**" and also after "**sale**"; line 70, after "**published**"; line 71, after "**sale**"; line 73, after "**New York**". Strike the comma in line 72, before "**financial**"; page 4, at the end of line 92, after "**bidder**".

2. In the printed bill, Section 1, page 5, line 118, strike: "**C. S. 1929**" and in lieu thereof insert: "**Compiled Statutes of Nebraska, 1929**".

**LEGISLATIVE BILL 1.** Placed on Select File with amendments.

E and R amendments to L. B. 1:

1. Amend Mr. Mekota's amendment to Section 3, approved March 31, 1944, by striking, in line 3, the word "semi-colon" and in lieu thereof insert the word "comma", and in said line, after the quotation mark and before the word "regardless", insert a comma.

2. In Mr. Hubka's amendment to Section 9, adopted March 31, 1944, strike the following in line 2: "word "Election," in line 23", and in lieu thereof insert: "period in line 29"; in the last line of said amendment, after the word "procedure" and before the quotation mark, insert a period; before the word "reduce" in the 5th line, insert the following: **"that the county clerk or election commissioner".**

3. In Mr. Matzke's amendment to Section 38, adopted March 31, 1944, last line, strike the word "sixty" and in lieu thereof insert: "~~forty~~ **sixty**".

4. In Mr. Gutoski's amendment to Section 41, adopted March 31, 1944, last line, after the quotation mark and before the period, at the end of the line, insert: "and show same as stricken matter".

5. In the Mekota amendments to Section 5, adopted March 31, 1944, amendment 1, second line, after the word "thereof" and before the comma, insert: "and show same as stricken matter"; in the fourth line, after the word "execution" insert a comma, also in the fifth line, after the word "States" and before the quotation mark. In the second amendment, last line, after "21" and before the period, insert: "and show same as stricken matter".

6. In Mr. Raecke's amendment to Section 5, adopted March 31, 1944, amendment 1, sixth line, after the quotation mark and before the word "In" insert: "~~, and shall further state~~".

7. In the Gutoski amendment to Section 4, adopted April 1, 1944, amendment 1, strike the fifth line and in lieu thereof, insert: "following: "~~is in the military or naval service of the United States of America or of the state of Nebraska,~~ **is absent from the county of his residence**". In the amendment to Section 10, amendment 2, last line, after the quotation mark and before the period, insert: "and show same as stricken matter.". In the amendment to Section 39, amendment 4, strike all of said amendment after the word "the" in the third line, and in lieu thereof insert the following:

"following: "personally present themselves for registration ~~,~~ and such only~~,~~ Provided~~,~~ that no absent voter in the military or naval service of the United States of America or of the state of Nebraska need register while in such military or naval forces if such voter~~,~~ shall~~,~~ at the time he makes application for **or who shall, upon return of an** absent voter's".

Strike the third line of amendment 5, and in lieu thereof insert: "thereof the following: "~~his~~ **the**".

8. In the original bill, Section 2, page 2, insert a comma in line 4 after "chapter" and in line 5 after "**ballots**"; page 3, line 20, strike "of an" and in lieu thereof insert "~~of an~~"; line 39, strike "be" and in lieu thereof insert "~~by~~ **be**"; last line, insert a stricken comma after "Vice President" (comma shown in the statute) and strike the comma after "President" in the fourth line from the bottom of the page, and insert a stricken comma, (to agree with forms shown after Section 32-504). Page 5, line 94, insert a comma after "Provided"; line 106, strike the comma after "for" and in lieu thereof insert "~~,~~".

(Due to differences in page numbers, for convenience of the members in checking, and since the same method was used in General File amendments, references hereinafter, unless otherwise designated, will be to the printed bill.)

9. Section 3, page 6, strike all of line 1 after the word "section", all of line 2, and "Session, Nebraska State Legislature" in line 3, and in lieu thereof insert: "1, Chapter 80, Session Laws of Nebraska"; line 8, after "appear" and before the comma, insert "**in person**"; line 9, after "clerk" and before the comma, insert "**or election commissioner**"; line 10, strike "in person" and in lieu thereof insert "~~in person~~"; at the end of line 14, strike "office" and in lieu thereof insert "officer". Page 7, strike the comma after "**address**" in line 20. Page 8, line 56, insert a comma after "be" and before "unavoidably"; line 58, strike the comma after "day" and before "and" and in lieu thereof insert "~~,~~", also in line 60, after "election" and before "the".

10. Section 4, page 8, line 4, strike the comma after "required" and before "he" and in lieu thereof insert "~~,~~"; line 8, strike ", and" and in lieu thereof insert "~~,~~ and ,"; page 9, line 15, after "section" insert "~~12~~" and insert a comma before "C. S."; line 16, after "**by**" and before "**this**" insert: "**section 10 of**"; line 17, after "~~legislature~~" and before the period, insert "~~, 1941~~".

11. Section 5, page 9, line 3, strike the word "the" after the word "Upon" and in lieu thereof insert "~~the~~"; show a stricken comma at

the end of line 6; line 9, after "by" and before "this" insert: "section 7 of"; insert a comma in line 10, after the word "forthwith"; line 25, after "by" and before "this" insert: "section 7 of". Page 10, line 35, after "by" and before "this" insert: "section 7 of"; insert a comma in line 47, after "official". Page 11, line 73, after "clerk" and before the comma, and in line 76, after "clerk" and before "who", insert "or election commissioner".

12. Section 6, page 12, strike the comma in line 41 after "sick" and also at the end of line 42, after "person". Page 13, insert a comma at the end of line 59, after "voters", also in line 60, after "counted"; line 73, strike the word "witnesses" and in lieu thereof insert "witnessed".

13. Section 7, page 13, line 4, after "clerk" and before the comma, insert: "or election commissioner".

14. Section 8, page 14, line 4, after "clerk" and before "shall", insert: "or election commissioner"; line 5, strike "called by the clerk" and in lieu thereof insert: "called by the clerk", and in said line, after the word "meets" insert a comma; at the end of line 6, after "by" insert: "section 12 of". Page 15, line 36, after "by" and before "this" insert: "section 12 of".

15. Section 9, page 16, line 18, after "in" and before "same" insert "the"; line 31, after "Ballot" strike "," " and in lieu thereof insert " ","; at the end of line 34, strike "." " and in lieu thereof insert " ".". Page 17, line 37, after "clerk" and before "shall", insert: "or election commissioner".

16. Section 10, page 17, strike all of line 4 after the word "section", all of line 5 and "ture, 1943," in line 6, and in lieu thereof, insert: "1, Chapter 80, Session Laws of Nebraska, 1943, as amended by section 3 of this act,"; insert a comma in line 15, after "him" and in line 16, after "supplies"; line 25, after "clerk" and before "as" insert: "or election commissioner," and in line 29, after "clerk" and before the comma, insert: "or election commissioner". Page 18, at the end of line 33, after the comma, insert the word "and"; line 38, after "by" and before "this" insert: "section 7 of"; line 44, after "clerk" and before the comma, insert: "or election commissioner"; line 53, strike the semicolon after "service" and in lieu thereof insert ".".

17. Section 11, page 19, line 13, after "by" and before "this" insert: "section 8 of".

18. Section 12, page 19, at the end of line 4, after "clerk" and before the comma, insert: "or election commissioner"; line 11, strike "members of" and in lieu thereof insert: "members of Representatives in"; page 20, line 31, after "clerk" and before "in", insert: "or election commissioner".

19. Section 13, page 21, line 12, after "clerk" and before the comma, insert "or election commissioner".

20. Section 14, page 21, at the end of line 6, after "clerk" insert: "or election commissioner", also in line 12.

21. Section 15, page 21, line 4, after "state" and before "the" insert "on"; line 5, after the word "after" and before "lection" insert the word "the".

22. Section 16, page 22, line 18, strike "And a" and in lieu thereof insert: "a A".

23. Section 17, page 23, line 16, strike "1941," and in lieu thereof insert: "; 1941," , and in said line, after "by" and before "this", insert: "sections 18 and 21 of".

24. Section 18, page 24, line 52, strike "the" and in lieu thereof insert "the".

25. Section 21, formerly Section 22, page 27, line 30, after the word "within" and before "time" insert "the".

26. Section 24, formerly 25, line 22, insert a comma after "further"; strike the comma in line 30 after "statement" and at the end of line 31, after "objection" and in lieu thereof insert a stricken comma.

27. Section 25, formerly 26, page 31, line 6, after "of" and before "proper" insert "the"; page 32, line 38, insert a comma after "Provided".

28. Section 26, formerly 27, strike the comma and in lieu thereof insert "," in line 11, after "residence", line 20, after "cate" and also after "contained"; page 33, line 29, after "officers".

29. Section 27, formerly 28, page 34, line 8, after "by" and before "this" insert: "section 26 of".

30. Section 28, formerly 29, page 34, insert a comma at the end of line 3, after "party"; page 35, line 20, after "in" and before "city" insert the word "the".

31. Section 29, formerly 30, page 36, strike all of line 1, after the word "section", all of line 2, and all of line 3 except ", 1943, be" and in lieu thereof insert: "2, Chapter 77, Session Laws of Nebraska".

32. Section 32, formerly 33, page 40, strike all of line 1, after the word "section", all of line 2, and "Nebraska State Legislature" in line 3, and in lieu thereof insert: "3, Chapter 77, Session Laws of Nebraska".

33. Section 34, formerly 35, page 41, strike all of line 1 after the word "section", all of line 2, and on page 42, all of line 3, except ", 1943, be", and in lieu thereof, insert: "4, Chapter 77, Session Laws of Nebraska". Page 43, line 45, after the comma and before the word "except", insert: "1941, as amended by section 21 of this act,". Page 44, line 90, after "of" and before "vote" insert the word "the".

34. "Section 35, formerly 36, page 46, line 5, strike the word "state" before "superintendent", and in lieu thereof insert "state"; line 6, strike "state university" and in lieu thereof insert: "state university University of Nebraska"; line 11, strike the word "for" at the beginning of said line, and in lieu thereof insert "for", and in said line, strike the word "and" and in lieu thereof insert "and", and strike the word "state" before "superintendent" and in lieu thereof insert "state". Page 47, line 13, strike "state university" and in lieu thereof insert: "state university University of Nebraska"; strike the comma in line 37, after "affidavits" and in lieu thereof insert ",", also in line 38, after "way".

35. Section 36, formerly 37, page 48, line 38, insert a comma after "candidates" and in said line, strike the comma after "way" and in lieu thereof insert ",".

36. Section 38, formerly 39, page 51, line 13, insert a comma after the word "furnish", also in line 21, after "act"; page 52, line 65, strike "or declaration of intention" and in lieu thereof insert: "or declaration of intention"; page 53, line 73, strike the comma after "true"; line 74, insert a comma after "elector".

37. Section 39, formerly 40, page 54, line 27, at the end of said line, after "by" insert: "section 10 of".

38. Section 40, formerly 41, page 54, line 4, strike the word "the" before "deputy" and in lieu thereof insert "the", and in said line, insert

a comma after "commissioner" and also after "him". Page 55, line 18, after "by" and before "this" insert: "section 10 of". Page 56, line 44, strike the comma after "elector".

39. Section 41, formerly 42, strike all of said section, after the word "sections" in line 1 on page 57, except "are repealed." in line 18 on page 58, and in lieu thereof insert:

"32-301, 32-812, 32-918, 32-921, 32-925, 32-927, 32-1011, 32-1110, 32-1128, 32-1129, 32-1132, 32-1158 and 32-1165, Compiled Statutes of Nebraska, 1929; sections 32-503, 32-803, 32-805, 32-806, 32-807, 32-808, 32-817, 32-1107, 32-1108, 32-1112, 32-1124, 32-1127, 32-1133, 32-1134, 32-1135, 32-1159, 32-1201, 32-1205, 32-1208, 32-1405, 32-1515 and 32-1812, C. S. Supp., 1941; section 1, Chapter 80, Session Laws of Nebraska, 1943, and sections 2, 3 and 4, Chapter 77, Session Laws of Nebraska, 1943,"

40. In the Title, Page 1, strike all of said title, after the word "sections" in the second line, up to and including "1941," in the last line on Page 1, and in lieu thereof insert:

"32-301, 32-812, 32-918, 32-921, 32-925, 32-927, 32-1011, 32-1110, 32-1128, 32-1129, 32-1132, 32-1158 and 32-1165, Compiled Statutes of Nebraska, 1929; sections 32-503, 32-803, 32-805, 32-806, 32-807, 32-808, 32-817, 32-1107, 32-1108, 32-1112, 32-1124, 32-1127, 32-1133, 32-1134, 32-1135, 32-1159, 32-1201, 32-1205, 32-1208, 32-1405, 32-1515 and 32-1812, C. S. Supp., 1941; section 1, Chapter 80, Session Laws of Nebraska, 1943, and sections 2, 3 and 4, Chapter 77, Session Laws of Nebraska, 1943,";

Page 2, fifth line, after the semi-colon and before "to" insert:

"to prescribe certain changes in the procedure and regulations in regard to elections and voting at such elections; to prescribe certain duties and procedure for certain officers and boards with reference to elections;"

seventh line, strike "sixty" and in lieu thereof insert "ninety"; at the end of the fourteenth line, after "clerk", insert: "or election commissioner"; twenty-third line, strike the comma after the word "and".

41. In the bill, Section 39, formerly 40, page 54, strike all of line 21, after the word "residence" and all of line 22, except ", may register", and in lieu thereof insert: "and in the military or naval service of the United States of America or of the state of Nebraska".

**LEGISLATIVE BILL 6.** Correctly engrossed.

**LEGISLATIVE BILL 4.** Correctly engrossed.

(Signed) James H. Anderson, Chairman

**REQUEST—For Unanimous Consent**

Mr. James H. Anderson asked that unanimous consent be granted to make the following correction on L. B. 2:

Amend Sec. 4, Subdivision 5, by striking out the letter "d" in the parenthesis in line 45 and inserting in lieu thereof the letter "b".

No objection was offered. So ordered.

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 2.** Correctly engrossed.

(Signed) James H. Anderson, Chairman

**MOTION—To Suspend Rules**

Mr. James H. Anderson moved to suspend the rules and consider the bills on Select File at once.

The motion prevailed with 35 ayes, no nays, 8 not voting.

**SELECT FILE**

**LEGISLATIVE BILL 1.** E and R amendments above set out were adopted.

Mr. Cullingham offered the following amendments and asked that they be adopted by unanimous consent:

Amend the Bill, Page 8, by inserting a new section immediately following Line 17 in Sec. 4; said new section to be known as Sec. 5, and then renumber all subsequent sections to conform with this change:

"Sec. 5. That section 32-804, C. S. Supp., 1941, be amended to read as follows:

32-804. Subdivision 1. Upon receipt of the application from an absent voter and upon certificate of registration where required, the clerk shall issue to such voter an absent voter's ballot with and an identification envelope, ~~. a return envelope and an instruction card as hereinafter described.~~ **Said identification envelope shall have printed thereon the name and address of the issuing officer and shall be used to return the ballot to such issuing officer:** Provided, if said application, together with certificate of registration where required, reaches the clerk by mail or other means than by applicant in person, the clerk shall mail to applicant, postage paid, the ballot and supplies that enable an absent voter to exercise his absent voting privilege; and provided further, if request for application be made to the clerk in person and if application, together with certificate of registration where required, be delivered to the clerk by the applicant in person, the clerk shall deliver to applicant in person the ballot and supplies that enable an absent voter to exercise his absent voting privilege.

Subdivision 2. Upon receipt of such application from a disabled voter accompanied with the certificate of the physician or surgeon aforesaid, and further accompanied with the certificate of registration, where required, the clerk shall issue to such voter's agent a disabled voter's ballot with an identification envelope, a return envelope and an instruction card as hereinafter described. The clerk shall at once enter said voter's name, post-office address, residence and voting precinct, with party affiliation if the election be a primary one, in a poll book to be kept by such clerk for such purpose, which poll book shall be open to the public; and shall notify the election board of applicant's precinct of such application; and if such voter offer to vote in person in said precinct on election day, it shall be the duty of said election board to challenge his vote."

2. Amend the bill, Page 15, new section 9, line 13 and line 6, by striking the words "instruction cards", and by inserting in lieu thereof the words "**instructions for voting**"; and, in line 23, strike the ";" after the word "election," and insert immediately thereafter, the words and punctuation "**and shall have printed on the back thereof full instructions for voting.**"

3. Amend the Bill, Page 16, new Sec. 11, Line 11, by inserting immediately after the word and punctuation "election," the following: "**may register by filling in the full information required by form printed on the identification envelope, and subscribing to the same under oath.**

Strike lines 15 to 22 down to and including the word and punctuation "registration."; then in Line 30 strike the words "as authorized" and beginning with Line 31, strike all of Lines 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, and the words "sealing the same" in Line 43.

4. Amend the Bill, Page 49, new Sec. 40, Line 8, by striking all of Line 8 beginning with the punctuation ":", all of Lines 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 to and including the word "registration", and by inserting in lieu thereof the following: **"Provided, any elector, absent from the county of his residence may register by mail during the regular registration period, or may be registered by executing the affidavit contained upon the identification envelope. Said registration affidavit, in case the absent voter's ballot is deposited in the ballot box, shall be preserved and returned with the certificate of registration, poll book and alphabetical lists to the supervisor of registration in precincts where registration is required."**

5. Amend the Bill, Page 52, new Sec. 41, Lines 24 and 25, by striking therefrom the words and punctuation "enclosing the proper affidavit for registration," and inserting in lieu thereof the words **"executing the affidavit contained upon the identification envelope"**; and in Lines 28 and 29 strike Line 28 beginning with the word "with", and in Line 29 strike the word "ballot", and insert in lieu thereof the following: **"and by filling in the required information on the form printed on the identification envelope, and subscribing to the same under oath."**

6. Amend the Bill, page 53, new Sec. 42, Line 15, by striking all of Line 15 up to and including the word and punctuation "registration," and inserting in lieu thereof the following: **"filling in the required information on the form printed on the identification envelope, and subscribing to the same under oath."**

No objection was offered. So adopted.

Referred to E and R for engrossment.

**LEGISLATIVE BILL 3.** E and R amendments above set out were adopted.

Mr. Raecke offered the following amendment and asked that it be adopted by unanimous consent:

Amend the bill, page 3, section 1, by striking the following in line 67: **"in two consecutive weekly issues,"** and by striking committee

amendment No. 1 heretofore adopted, and by inserting in lieu thereof the following: "two successive weeks", and by striking the punctuation "period" after the word "district" in line 69 and inserting in lieu thereof the following ", the first publication to be at least 10 full days before such sale."

**Mr. Gantz Presiding**

No objection was offered. So adopted.

**Mr. Johnson Presiding**

Referred to E and R for engrossment.

**Adjournment**

At 3:55 p.m. Mr. Gantz moved that the rules be suspended and that the Legislature adjourn until 10:00 a.m. Tuesday.

The motion prevailed with 32 ayes, no nays, 11 not voting.

Hugo F. Srb
Clerk of the Legislature.

# EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska

Tuesday, April 4, 1944

Pursuant to adjournment the Legislature met at 10:00 a.m. President Johnson presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Matzke and Thompson, and except Mr. Brodahl, who was excused.

The Journal for the Seventh Day was approved.

## Visitor

Mr. Heiliger introduced his father, Mr. Henry Heiliger, Sr., a former member of the Legislature.

## STANDING COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 5.** Placed on Select File with amendments.

E and R amendments to L. B. 5:

1. In General File amendments by James H. Anderson, adopted on April 1, 1944, also on April 3, strike the figure "1" after the word "section", in each instance, and in lieu thereof insert the figure "2".

2. In General File amendment by Mr. Crosby, adopted April 3, 1944, second line, after the quotation mark and before the word "based", insert: "(a)"; strike "lines 4 and 5" and in lieu thereof insert "line 4".

3. In General File amendment by Mr. Peterson, adopted April 3, 1944, second line, after the quotation mark and before the word "or" insert a comma.

(Signed) James H. Anderson, Chairman

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 3.** Memorial to Roy J. Becker

Introduced by Sam Klaver

Chairman of Committee on Legislative Administration

Roy J. Becker was born in Scribner, Nebraska in 1888 and died at his home in Lincoln, Nebraska on June 14, 1943 at the age of fifty-five years. Mr. Becker was a graduate of Fremont Normal College, and Omaha Business College and had been actively engaged in business for many years, having served as President of the Nebraska Travelers Protective Association in 1940. Throughout the 1943 Session of the Nebraska Legislature he served as Assistant Clerk of the Legislature.

WHEREAS, we desire to pay tribute to the memory of our honored and respected employee now departed, NOW THEREFORE
BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN FIFTY-SEVENTH (EXTRAORDINARY SESSION) ASSEMBLED:

That we rise in honor of the memory of Roy J. Becker, who spent the closing months of an active and useful life in the service of the Legislature and of the people of Nebraska.

That the Clerk of the Legislature be directed to spread at large on the Legislative Journal this resolution, and that a copy of said resolution, properly authenticated and suitably engrossed, be sent by the Clerk to the bereaved family of Mr. Becker, as an expression of our respect for the deceased, and our sympathy for the bereaved.

Mr. Klaver moved that the rules be suspended and the resolution considered at once.

The motion prevailed with 38 ayes, no nays, 5 not voting.

Mr. Klaver moved that the resolution be adopted.

The motion prevailed and the assembly paused a moment in silent tribute to the departed officer.

## MOTION—To Suspend Rules

Mr. James H. Anderson moved that the rules be suspended and the bills on Select File be considered at once.

The motion prevailed with 36 ayes, no nays, 7 not voting.

## SELECT FILE

**LEGISLATIVE BILL 5.** E and R amendments, above set out, were adopted.

Referred to E and R for engrossment.

## REQUEST—For Unanimous Consent

Mr. James H. Anderson asked that unanimous consent be granted to return L. B. 6 to Select File for consideration.

No objection was offered. So ordered.

## SELECT FILE (Continued)

**LEGISLATIVE BILL 6.**

Mr. Anderson asked that unanimous consent be granted to strike E and R amendments to the bill, found in the Legislative Journal for the Fifth Day.

No objection was offered. So ordered.

Referred to E and R for re-engrossment.

## STANDING COMMITTEE REPORTS (Continued)

### Committee on Committees

Mr. President: Your Committee on Committees, after public hearing, wishes to report favorably on the following appointments and recommends confirmation:

| | |
|---|---|
| C. J. Abbott, | Nebraska Brand Committee |
| Irwin Adamson, | Nebraska Brand Committee |
| Earl Monahan, | Nebraska Brand Committee |
| Don B. Reynolds, | Nebraska Brand Committee |
| J. B. Hillers, | Real Estate Commission |
| Frank J. Davis, | Real Estate Commission |
| Clark B. Evans, | Real Estate Commission |
| T. H. Maenner, | Real Estate Commission |
| Mrs. Lorena Hahn, | Board of Control |
| O. M. Olsen, | Judge of the Nebraska Workmen's Compensation Court |
| Donald P. Miller, | State Labor Commissioner |
| Blaine Yoder, | State Purchasing Agent |
| Romaine Saunders, | Nebraska Public Library Commission |
| William W. Cook, | State Aeronautics Commission |
| Donald D. Mapes, | State Aeronautics Commission |
| Max Kier, | State Aeronautics Commission |

Mrs. R. W. Hill, Board of Education for State Normal Schools
Dr. C. H. Silvernail, Game, Forestation and Parks Commission

(Signed) Tvrdik, Chairman

### MOTION—To Adopt and Vote

Mr. President: I move the adoption of the committee report and that each appointment be voted on separately.

(Signed) Tvrdik

The motion prevailed.

### Vote on Mr. Abbott

Affirmative, 38; negative, 0; not voting, 5.

The President declared the appointment of Mr. Abbott confirmed.

**Vote on Mr. Adamson**

Affirmative, 38; negative, 0; not voting, 5.

The President declared the appointment of Mr. Adamson confirmed.

**Vote on Mr. Monahan**

Affirmative, 38; negative, 0; not voting, 5.

The President declared the appointment of Mr. Monahan confirmed.

**Vote on Mr. Reynolds**

Affirmative, 37; negative, 0; not voting, 6.

The President declared the appointment of Mr. Reynolds confirmed.

**Vote on Mr. Hillers**

Affirmative, 37; negative, 0; not voting, 6.

The President declared the appointment of Mr. Hillers confirmed.

**Vote on Mr. Davis**

Affirmative, 36; negative, 0; not voting, 7.

The President declared the appointment of Mr. Davis confirmed.

**Vote on Mr. Evans**

Affirmative, 36; negative, 0; not voting, 7.

The President declared the appointment of Mr. Evans confirmed.

**Vote on Mr. Maenner**

Affirmative, 37; negative, 0; not voting, 6.

The President declared the appointment of Mr. Maenner confirmed.

**Vote on Mrs. Hahn**

Affirmative, 39; negative, 0; not voting, 4.

The President declared the appointment of Mrs. Hahn confirmed.

**Vote on Mr. Olsen**

Affirmative, 38; negative, 0; not voting, 5.

The President declared the appointment of Mr. Olsen confirmed.

**Vote on Mr. Miller**

Affirmative, 38; negative, 0; not voting, 5.

The President declared the appointment of Mr. Miller confirmed.

**Vote on Mr. Yoder**

Affirmative, 38; negative, 0; not voting, 5.

The President declared the appointment of Mr. Yoder confirmed.

**Vote on Mr. Saunders**

Affirmative, 38; negative, 0; not voting, 5.

The President declared the appointment of Mr. Saunders confirmed.

**Vote on Mr. Cook**

Affirmative, 36; negative, 0; not voting, 7.

The President declared the appointment of Mr. Cook confirmed.

**Vote on Mr. Mapes**

Affirmative, 39; negative, 0; not voting, 4.

The President declared the appointment of Mr. Mapes confirmed.

**Vote on Mr. Kier**

Affirmative, 38; negative, 0; not voting, 5.

The President declared the appointment of Mr. Kier confirmed.

**Vote on Mrs. Hill**

Affirmative, 38; negative, 0; not voting, 5.

The President declared the appointment of Mrs. Hill confirmed.

**Vote on Dr. Silvernail**

Affirmative, 38; negative, 0; not voting, 5.

The President declared the appointment of Dr. Silvernail confirmed.

**Recess**

At 10:50 a.m. on motion by Mr. James H. Anderson the Legislature recessed until 4:00 p.m.

**After Recess**

The Legislature reconvened at 4:00 p.m. President Johnson presiding.

The roll was called and all members were present except Messrs. Gutoski, Klaver, Matzke, Rakow, Reavis, Sorrell and Thompson, and except Messrs. Brodahl and Craven, who were excused.

The Legislature recessed to wait for a report.

At 5:10 the President called the Legislature to order.

The roll was called and all members were present except Messrs. Gutoski, Hutton, Klaver, Matzke, Norman, Rakow, Reavis, Sorrell, Thompson and Weborg, and except Messrs. Brodahl and Craven, who were excused.

## STANDING COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 3.** Correctly engrossed.

**LEGISLATIVE BILL 6.** Correctly re-engrossed.

(Signed) James H. Anderson, Chairman

### REQUEST—For Unanimous Consent

Mr. James H. Anderson asked that unanimous consent be granted to return L. B. 1 to Select File for specific amendment.

No objection was offered. So ordered.

### SELECT FILE (Continued)

**LEGISLATIVE BILL 1.**

Mr. Cullingham asked that the following amendments be adopted by unanimous consent:

1. Strike all of the Cullingham amendments adopted April 3, 1944.

2. Amend the bill, page 8, printed bill, page 9, by inserting a new section immediately following line 17 of section 4, the new section to be numbered 5, and all subsequent sections in the bill and references to sections made by the enrollment and review amendments of April 3, 1944, to be renumbered to conform thereto. New section 5 shall read as follows:

"Sec. 5. That section 32-804, C. S. Supp., 1941, be amended to read as follows:

32-804. Subdivision 1. Upon receipt of the application from an absent voter and upon certificate of registration where required, the clerk shall issue to such voter an absent voter's ballot with and an identification envelope, ~~. a return envelope and an instruction card as hereinafter described.~~ **Said identification envelope shall have printed thereon the name and address of the issuing officer and shall be used to return the ballot to such issuing officer;** Provided, if said application, together with certificate of registration where required, reaches the clerk by mail or other means than by applicant in person, the clerk shall mail to applicant, postage paid, the ballot and supplies that enable

an absent voter to exercise his absent voting privilege; and provided further, if request for application be made to the clerk in person and if application, together with certificate of registration where required, be delivered to the clerk by the applicant in person, the clerk shall deliver to applicant in person the ballot and supplies that enable an absent voter to exercise his absent voting privilege.

Subdivision 2. Upon receipt of such application from a disabled voter accompanied with the certificate of the physician or surgeon aforesaid, and further accompanied with the certificate of registration where required, the clerk shall issue to such voter's agent a disabled voter's ballot with an identification envelope, a return envelope and an instruction card as hereinafter described. The clerk shall at once enter said voter's name, post-office address, residence and voting precinct, with party affiliation if the election be a primary one, in a poll book to be kept by such clerk for such purpose, which poll book shall be open to the public; and shall notify the election board of applicant's precinct of such application; and if such voter offer to vote in person in said precinct on election day, it shall be the duty of said election board to challenge his vote."

3. Amend page 9 of the bill, page 10 of the printed bill, old section 5, new section 6, line 44, by striking the words "precinct, in" and inserting in lieu thereof: "precinct, in", and by inserting after the punctuation following the word "state" the following: **"the precinct in which the voter resides, if known,".**

4. Amend page 11 of the bill, page 12 of the printed bill, old section 6, new section 7, lines 39 to 41, inclusive, by striking the words **"and after the sealed identification envelope is enclosed and sealed in the return envelope,".**

5. Strike the Hubka amendment adopted March 31, 1944, and the enrollment and review amendment 2 adopted April 3, 1944, and amend page 15 of the bill, page 16 of the printed bill, old section 9, new section 10, line 6, by striking the words "instruction cards" and by inserting in lieu thereof the words "instruction cards **instructions for voting**"; and in line 13, by striking the words "instruction cards" and inserting in lieu thereof the words "instruction cards **instructions for voting**"; and in line 23, strike the ";" after the word "election" and insert immediately thereafter the words and punctuation as follows: **"and shall have printed upon the back of the ballot, or upon the back of one of the ballots if more than one ballot is mailed, full instructions for voting. In order to reduce the weight and bulk for air transport of absentee voting material being sent to persons to whom this act is**

applicable, the county clerk or election commissioner having charge of the preparation of the ballots is authorized to reduce the size and weight of paper, envelopes, ballots and instructions for voting procedure, and to reduce the size of type used in preparation of the ballots to not less than 14 point for the square, and not less than 8 point for the type on which the names of candidates and measures or proposals shall be printed."

6. Amend page 15 of the bill, page 16 of the printed bill, old section 9, new section 10, line 30, by striking the word "outer".

7. Amend page 15 of the bill, page 16 of the printed bill, old section 9, new section 10, line 32, by inserting after the word "States" and before the punctuation, the following: "or persons attached to and serving with the armed forces of the United States, as defined in Section 201, Title 2, Public Law 712, Seventy-seventh Congress, as amended."

8. Amend page 16 of the bill, page 17 of the printed bill, old section 10, new section 11, line 11, by inserting after the punctuation following the word "election" the following: "may register by filling in the full information required by form printed on the identification envelope, and subscribing to the same under oath."

9. Amend page 16 of the bill, page 17 of the printed bill, old section 10, new section 11, lines 15 to 21, inclusive, by striking the words "shall have forwarded" in line 15; also by striking the words "to him along with" in line 15, all of lines 16 to 21, inclusive, and the words "presents himself personally for registration." in line 22, and reinserting the same as stricken matter.

10. Amend page 16 of the bill, page 17 of the printed bill, old section 10, new section 11, lines 30 to 43, inclusive, by inserting the punctuation "." after the word "mail" in line 30, and striking the words "as authorized" in line 30, all of lines 31 to 42, inclusive, and the words "sealing the same" and punctuation (.) in line 43, and reinserting all old matter as stricken.

11. Amend page 18 of the bill, page 19 of the printed bill, old section 11, new section 12, lines 5 and 6, by striking the words "military or naval service", and inserting in lieu thereof: "armed forces or persons attached to and serving with the armed forces".

12. Strike enrollment and review amendment 16 adopted April 3, 1944, and amend old section 10, new section 11, page 16 of the bill, page 17 of the printed bill, by striking all of line 4 after the word "section",

all of line 5, and "ture, 1943," in line 6, and inserting in lieu thereof: "1, Chapter 80, Session Laws of Nebraska, 1943, as amended by section 3 of this act,"; insert in line 25 after "clerk" and before "as" the words "or election commissioner"; in line 44 after "clerk" and before the punctuation, insert the words "or election commissioner"; in line 56, strike the punctuation (:) and insert in lieu thereof the punctuation (;).

13. Strike the Gutoski amendments 3, 4 and 5, as amended by enrollment and review amendment 7, adopted April 3, 1944, and amend page 49 of the bill, page 51 of the printed bill, new section 39, lines 8 to 17, inclusive, by striking all of said lines and the words "personally for registration." in line 18, and inserting in lieu thereof the following: "only.; Provided, any elector, absent from the county of his residence may register by mail during the regular registration period, or may be registered by executing the affidavit contained upon the identification envelope. Said registration affidavit, in case the absent voter's ballot is deposited in the ballot box, shall be preserved and returned with the certificate of registration, poll book and alphabetical lists to the supervisor of registration in precincts where registration is required. Such supervisor shall preserve the same, and it shall be used by the registers of election, in precincts where registration is required, in making up the new registry lists from the poll books, and such registered affidavit shall serve as a registration record of the voters for new registry books and lists. that no absent voter in the military or naval service of the United States of America or of the state of Nebraska need register while in such military or naval forces if such voter, shall, at the time he makes application for absent voter's ballot, furnish in lieu of a certificate of registration, an affidavit, upon blanks to be supplied by the supervisor of registration, setting forth his name, address and all other facts and information required for the registration of voters where the voter presents himself personally for registration."

14. Amend page 52 of the bill, page 54 of the printed bill, new section 40, lines 24 and 25, by striking the words "enclosing the proper affidavit for registration" and inserting in lieu thereof: "enclosing the proper affidavit for registration executing the affidavit contained upon the identification envelope"; amend lines 28 and 29 by striking the same and inserting the following in lieu thereof: "this act, with their application for an absent voter's ballot, and by filling in the required information on the form printed on the identification envelope, and subscribing to the same under oath. and said The registration affidavit, in case the".

15. Amend page 53 of the bill, page 55 of the printed bill, new section 41, line 15, by striking the words "enclosing the proper affidavit for registration" and substituting in lieu thereof: "enclosing the proper affidavit for registration filling in the required information on the identification envelope and subscribing to the same under oath".

16. Amend enrollment and review amendment 39 by inserting after the punctuation following the figures "32-803" the following: "32-804,".

17. Amend enrollment and review amendment 40 by inserting in the title after the punctuation following the figures "32-803" the following: "32-804,".

18. Amend enrollment and review amendment 40 by striking the words "seventh line, strike 'sixty' and in lieu thereof insert 'ninety' ", and amend the title to the bill, page 1a, lines 7 to 9, inclusive, page 2 of the printed bill, lines 5 to 7, inclusive, by striking the words "to provide that application for absent voter's ballot may be made not more than sixty days before election;" and substituting in lieu thereof: "to provide the time within which application for absent voter's ballot may be made;".

No objection was offered. So adopted.

**REQUEST—For Unanimous Consent**

Mr. Hubka asked that unanimous consent be granted to add the name of Sidney J. Cullingham as an introducer of L. B. 1.

No objection was offered. So ordered.

Referred to E and R for engrossment.

**Adjournment**

At 5:35 p.m. Mr. Mueller moved that the rules be suspended and the Legislature adjourn until 10:00 a.m. Wednesday.

The motion prevailed with 30 ayes, no nays, 13 not voting.

Hugo F. Srb
Clerk of the Legislature.

# NINTH DAY

Legislative Chamber, Lincoln, Nebraska

Wednesday, April 5, 1944

The Legislature was called to order at 10:30 a.m. President Johnson presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Matzke, Neubauer and Thompson, and except Messrs. Craven and Hubka, who were excused.

The Journal for the Eighth Day was approved.

**MOTION—To Suspend Rules**

Mr. Crosby moved to suspend the rules and consider L. B. 4 on final reading.

The motion prevailed with 36 ayes, no nays, 7 not voting.

**BILLS ON FINAL READING**

The following bill was read and put upon passage:

**LEGISLATIVE BILL 4.** With emergency

A bill for an act to provide for the compensation of employees, mileage of members, and for supplies and other incidental expenses

incurred during the Fifty-Seventh (Extraordinary) Session of the Legislature of the State of Nebraska; to appropriate the sum of ten thousand dollars therefor; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Anderson, D. S., Anderson, James H., Asimus, Brodahl, Carmody, Conklin, Crosby, Crossland, Cullingham, Dooley, Doyle, Foster, Gantz, Garber, Gutoski, Hanna, Heiliger, Hutton, Jeffords, Jeppesen, Klaver, Lee, Mekota, Mischke, Mueller, Neubauer, Norman, Ogden, Osborne, Peterson, Raecke, Reavis, Russell, Sorrell, Thomas, Tvrdik, Weborg.

Voting in the negative, 0.

Not voting 6:

Burnham, Craven, Hubka, Matzke, Rakow, Thompson.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**REQUEST—To Refer to Select File**

Mr. James H. Anderson asked that unanimous consent be granted to return L. B. 5 to Select File for the following specific amendment:

1. Amend the title by striking the word "or" in line 7, by striking the words "financing of indebtedness" in line 8, and by striking the words "are based upon a percentage of and" in line 9, and by striking the words "or the indebtedness financed" in line 11.

2. Amend Sec. 2 of the bill by striking from lines 82 and 83 the words "or the financing of any indebtedness of".

No objection was offered. So ordered.

**SELECT FILE**

**LEGISLATIVE BILL 5.**

Mr. Anderson asked that the above amendments be adopted by unanimous consent.

No objection was offered. So adopted.

Referred to E and R for engrossment.

**REQUEST—For Unanimous Consent**

Mr. James H. Anderson asked that unanimous consent be granted to refer L. B. 1 to Select File for the following specific amendment:

Amend L. B. 1, old Sec. 10, new Sec. 11, page 16 of the bill, page 17 of the printed bill, by inserting in line 29 after the word "clerk" the words "or election commissioner".

No objection was offered. So ordered.

**SELECT FILE (Continued)**

**LEGISLATIVE BILL 1.**

Mr. Anderson asked that the amendment above set out be adopted by unanimous consent.

No objection was offered. So adopted.

Referred to E and R for engrossment.

**MOTION—To Recommit**

Mr. James H. Anderson moved that L. B. 2 be recommitted to E and R for the following amendment:

Amend the title in line 2, after the word "amend" by inserting the following: "Sections 3, 4, 8, 15 and 17,"; in line 13, before the word "Sections", add the word "original" and following the figure "17,", in line 13, insert "Chapter 115,".

The motion prevailed.

Mr. Anderson asked that the above amendment be adopted by unanimous consent.

No objection was offered. So adopted.

**Recess**

At 11:50 a.m. on motion by Mr. James H. Anderson the Legislature recessed until 4:30 p.m.

**After Recess**

The Legislature reconvened at 4:30 p.m. President Johnson presiding.

The roll was called and all members were present except Messrs. Foster, Hubka, Matzke, Rakow and Thompson, and except Messrs. Craven and Sorrell, who were excused.

**Speaker Crosby Presiding**

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 1.** Correctly engrossed.

**LEGISLATIVE BILL 2.** Correctly re-engrossed.

**LEGISLATIVE BILL 5.** Correctly engrossed.

**LEGISLATIVE BILL 4.** Correctly enrolled.

(Signed) James H. Anderson, Chairman

**Speaker Signs**

While the Legislature was in session and capable of transacting business, the Speaker signed

Legislative Bill 4.

**Adjournment**

At 4:47 p.m. Mr. Raecke moved that the Legislature suspend the rules and adjourn until 2:00 p.m. Thursday.

The motion prevailed with 35 ayes, no nays, 9 not voting.

Hugo F. Srb
Clerk of the Legislature.

# TENTH DAY

Legislative Chamber, Lincoln, Nebraska

Thursday, April 6, 1944

Pursuant to adjournment the Legislature met at 2:00 p.m. President Johnson presiding.

Prayer was offered by the Chaplain.

The roll was called and all members were present except Messrs. Hanna and Thompson, and except Mr. Craven who was excused.

The Journal for the Ninth Day was approved.

## STANDING COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 4.** Presented to Governor for approval, April 6, 1944, at 12:00 m.

(Signed) James H. Anderson, Chairman

### Nebraska Legislative Council

### Preliminary Report on the Subject of Public Power

Lincoln, Nebraska
April 4, 1944

TO THE MEMBERS OF THE FIFTY-SEVENTH (EXTRAORDINARY) SESSION OF THE LEGISLATURE OF THE STATE OF NEBRASKA:

On April 3, 1944, the Legislative Council sub-committee on public power submitted to the Legislative Council a preliminary report which reads as follows:

"The Legislative Council is required by Legislative Resolution No. 34 to make a report to the Legislature on the subject of public power districts. In order to enable the Council to comply with the terms of the Resolution, your sub-committee submits, herewith, a summary of its activities to date.

"On May 18, 1943, the Nebraska Legislature adopted Legislative Resolution No. 34, directing the Nebraska Legislative Council to examine into the electric power problem in Nebraska, setting forth in detail the matters to be covered in the investigation.

"For the purpose of conducting this investigation, the Resolution directed the Legislative Council to appoint a sub-committee of five of its members, and to name a chairman thereof. It was specified that the sub-committee should conduct the study, under the supervision of the Legislative Council; that the sub-committee in making its investigations should have the power to call upon the offices of the Attorney General, the Auditor of Public Accounts, the State Engineer, and other public officials, for assistance, and should also have the power to issue subpoenas to compel the attendance of witnesses, and introduction of books, papers, and other documents.

"The Resolution directed that 'The examination and investigation of the sub-committee shall be completed and final report made to the Legislative Council on or before October 1, 1944.' It further directed that 'The Legislative Council shall report to the Legislature at its next session whether special or general.'

"Pursuant to this Resolution, the Legislative Council, on June 28, 1943, appointed a sub-committee on public power, composed of the following members: Walter R. Raecke, chairman; Daniel Garber; Sidney J. Cullingham; Martin J. Mischke; and John E. Mekota. At the same time, the Council directed its research department to prepare for the use of the sub-committee a summary of information relating to public power districts.

"Pursuant to its instructions, the research department of the Council prepared a forty-page digest of information relating to the public power districts, which was presented to the sub-committee in July of 1943. This digest covered such matters as the historical background of the districts; their organization, legal status, governing authority, methods of financing, bonded indebtedness, and their legal and contractual relationships one to another, with a brief summary of the measures enacted by the 1943 session relating to the public power problem.

"After studying this summary of information, the members of the sub-committee, together with several other members of the Legislative Council, made a four-day tour of inspection of the public power districts. On this trip, the members personally viewed all of the principal dams, reservoirs, diversion works, canals, power plants, and other physical installations of the Platte Valley Public Power and Irrigation District, the Central Nebraska Public Power and Irrigation District, and the Loup River Public Power District.

"On August 16, 1943, the Legislative Council directed the sub-committee 'To proceed immediately with an investigation of the circumstances surrounding Legislative Bill No. 204, and the power situation generally in the metropolitan area as defined in said bill.'

"In consequence of this motion, the sub-committee, aided by Assistant Attorney General Rush C. Clark, held public hearings in Omaha, beginning August 26, 1943, and lasting three full days. Twenty witnesses were examined under oath, resulting in five hundred and seventeen pages of testimony. This testimony was then summarized by the Council's research department, and published in a report entitled 'Summary of Proceedings of, and Testimony taken by, the Legislative Council Sub-Committee on Public Power, at Hearings in Omaha, Nebraska, August 26, 27, and 28, 1943.' Copies of this report were mailed to all members of the Legislature.

"On October 18, 1943, the Legislative Council met in Fremont, Nebraska, and at this meeting the sub-committee on public power presented a preliminary report of nine pages covering the hearings held in Omaha. This report was made a part of the 'Minutes' of the Council meeting, and copies were furnished to all members of the Legislature. Another copy is attached hereto.

"On February 10th and 11th, 1944, the sub-committee held hearings in Columbus, Nebraska, to examine into the organization, fiscal operations, and interrelationships of the Central Nebraska Public Power and Irrigation District; the Platte Valley Public Power and Irrigation District; the Loup River Public Power District; and the Consumers Public Power District. These hearings lasted two full days, during which more than two hundred pages of testimony was taken. A complete transcript of this testimony has just been received, and is being summarized by the research department of the Legislative Council. This summary will be made available to all members of the Legislature within a few days.

"Throughout the period since the adoption of Resolution No. 34, the research department of the Legislative Council has been engaged

in gathering information pertaining to the subject matter of this investigation.

"In addition to the hearings held by the sub-committee, the Council's Director of Research has personally visited the offices and the principal installations of the power districts. He has personally scrutinized vouchers and office records in some of the district offices; he has interviewed the principal officers of the districts, and many other interested persons; he has gathered numerous documents and reports relating to the districts, including copies of contracts between the districts, copies of contracts between the Consumers Public Power District and its fiscal agent Mr. Guy C. Myers; financial reports and audits of the districts; court records relating to litigation in which the districts are now or have been involved; appraisals of the properties bought by the Consumers Public Power District; reports on electric power rate structures; and numerous other matters relating to the affairs of the districts. A part of this information has been digested and presented to the sub-committee. The State Auditor's office is now assisting the sub-committee in the gathering of certain information, and the verification of certain reports.

"Among other things, the Director has investigated the controversy between the Consumers Public Power District and the City of Kearney over the proposal of the City to condemn the distribution system belonging to the Consumers District but located within the City of Kearney, and the three elections bearing on this subject which have thus far been held. As a result of this investigation, two confidential reports have been submitted to the sub-committee.

"The sub-committee feels that most of the basic information required for its final report has been gathered, though some of this information remains to be studied, analyzed, and evaluated. Furthermore, the sub-committee expects, in the near future, to hold one or more additional public hearings relating to public power matters. The sub-committee is not prepared at this time to state its conclusions, or to make extended recommendations. It does expect, however, to have a comprehensive report ready by October 1st, as required by the Legislative Resolution, and it is sincerely hoped that this report, while not determining all of the issues involved, will be of some assistance to the Legislature in its deliberations upon this vital and difficult subject.

(signed): John E. Mekota
Daniel Garber
Sidney J. Cullingham
Martin J. Mischke

Respectfully submitted,
LEGISLATIVE COUNCIL SUB-COMMITTEE ON PUBLIC POWER

(signed) Walter R. Raecke "
Chairman

The sub-committee report was duly approved by the Legislative Council and is herewith transmitted to the Legislature as a Preliminary Report in conformity with the provisions of Legislative Resolution No. 34.

Respectfully submitted,
NEBRASKA LEGISLATIVE COUNCIL

Stanley A. Matzke
Chairman

Members of the Legislative Council

STANLEY A. MATZKE, Chairman
JOHN E. MEKOTA, Vice-Chairman

| | | |
|---|---|---|
| James H. Anderson | Daniel Garber | Cliff N. Ogden |
| A. J. Brodahl | Don E. Hanna | C. Petrus Peterson |
| Robert B. Crosby | Sam Klaver | Walter R. Raecke |
| Sidney J. Cullingham | Martin J. Mischke | Charles F. Tvrdik |
| John F. Doyle | Earl M. Neubauer | |

Preliminary Report of
Nebraska Legislative Council
Sub-Committee on Public Power

TO THE NEBRASKA LEGISLATIVE COUNCIL:

Your Sub-Committee on Public Power submits herewith a preliminary report covering the hearings held in Omaha, Nebraska, on August 26, 27, and 28, 1943, at the direction of the Legislative Council, and relating to the circumstances surrounding Legislative Bill No. 204, enacted at the Fifty-Sixth Session of the Legislature. A complete summary of the testimony taken at the hearings, together with a foreword describing the proceedings, has been placed in the hands of members of the Council, and is now offered for consideration.

Your sub-committee is not prepared to present its final conclusions on any phase of the public power problem. It does desire, however, to call attention to a few salient facts regarding the Omaha situation:

(1) Legislative Bill No. 204, in the form in which it was introduced in the Legislature, was prepared at the request of a committee of Omaha citizens known as the Mayor's Committee, appointed by resolution of the Mayor and City Council. At least one of the officials of the

Nebraska Power Company was consulted while the bill was being prepared, and one of the attorneys for the Power Company performed most of the work in actually drafting the bill.

(2) The Mayor's Committee, referred to above, was appointed in May, 1942, after it became known that the Consumers Public Power District had made an offer to purchase the property of the Nebraska Power Company. The offer is reported to have been for $40,600,000, plus allowances for recent plant extensions, etc., which would have made the total purchase price some $42,000,000, or $43,000,000.[1] The Committee consisted of ten representative business and professional men of Omaha, and its purpose was to devise some plan whereby the interests of the people of Omaha would be protected in case it became necessary for the Nebraska Power Company to be sold. The Committee was to act in an advisory capacity to the City Council.

(3) When Legislative Bill No. 204 was presented to the Legislature, most of the active members of the Mayor's Committee were definitely of the belief that it was necessary for the American Power and Light Company, the owner of more than 89 per cent of the common stock of the Nebraska Power Company, to dispose of its Nebraska Power Company holdings, and that a sale of such holdings was imminent. This belief appears to have been based chiefly upon the order of the Securities and Exchange Commission, dated August 22, 1942, for the dissolution of the American Power and Light Company, and upon a statement made to members of the Committee by Mr. H. L. Aller, President of the American Power and Light Company, to the effect that the property would have to be sold. An appeal from the order for dissolution is pending in federal court, and was pending during the entire legislative session of 1943. So far as your sub-committee is aware, only one member of the Mayor's Committee, Mr. Sam Reynolds, has definitely stated that he did not share the opinion that the property must be sold. Members of the Mayor's Committee testified that the belief that the property must be sold prevailed throughout the legislative session, and that they communicated this belief to members of the Legislature. We have discovered no satisfactory evidence that anybody made any serious effort to dispel this belief before the Legislature adjourned.

(4) The Securities and Exchange Commission has not altered its position with respect to the dissolution of the American Power and Light Company. According to the Director of the Commission's Public Utilities Division, "if the validity of the Commission's dissolution order which is presently before the First United States Circuit Court of Appeals on American's petition for review is sustained, American will, of course, have to terminate its existence, and in the process dispose of the com-

[1]): See testimony of J. E. Davidson at Omaha hearings.

mon stock of Nebraska held by it by distribution to its security holders, by sale, or possibly by some other appropriate method."[1]

(5) At the hearings in Omaha, the only provision of Legislative Bill 204, as enacted, which met with serious criticism was the last sentence of Section 13, relating to acquisition of a private power company by condemnation. It was alleged that this provision was added as an amendment in the closing days of the legislative session, and was objected to on the ground that it precludes a vote of the people before acquisition by condemnation. As a matter of fact, this amendment was adopted on April 14, 1943.[2] The Legislature adjourned on May 28, 1943. The claim that the amendment prohibits a vote is based solely upon the interpretation placed upon it by Counsel for the Nebraska Power Company and others opposing the appointment of the Peoples Power Commission, whereas a contrary opinion is held by the Legal Department of the City of Omaha, by counsel for the Mayor's Committee, and by others.

(6) In August, 1942, the Omaha "On Guard" Committee was organized. The policies and activities of the Committee are determined, controlled, and directed by a small inner group referred to as a "core committee." Frank C. Heinisch, Allen Hupp, Alvin Johnson, Henry Monsky, Jack Marer, Clarence Kirkland, Frank Sveska, and formerly Mac Baldridge, appear to have been the more active members of the "core committee." At the time of its organization, the sole purpose of the "On Guard" Committee, as stated in its literature, was to keep the Consumers Public Power District out of Omaha. Mr. Heinisch testified that he is now its chairman and has been its only chairman. In its early stages, the Committee, according to Mr. Heinisch, collected approximately $1,800 in contributions, but no record was kept of the contributors, and we were unable to secure a list of such contributors. No minutes have been kept of meetings of the "On Guard" Committee.

(7) The "On Guard" Committee was not active during the 1943 legislative session. Immediately after the enactment of Legislative Bill No. 204, however, the "On Guard" Committee began its activities in opposition to the appointment of a Peoples Power Commission. For this purpose it had collected, at the time of the hearings, $1,550.00.[3] More than 70 per cent of this amount came from persons who were identified as officers, employees, and attorneys of the Nebraska Power Company,

[1]): Letter from Milton H. Cohen, Director Public Utilities Division, Securities and Exchange Commission dated August 25, 1943, and addressed to Roger V. Shumate, Director of Research, Nebraska Legislative Council.

[2]): Legislative Journal, p. 1056.

[3]): The list of contributors, supplied by Mr. Heinisch, is attached to the official transcript of the hearings.

or officers, employees, and attorneys of the advertising agency employed by the Nebraska Power Company.

(8) Prior to the hearings in Omaha, Initiative Petition No. 322 was circulated and was reported to have received 59,329 signatures. This petition requested that the City Council enact an ordinance providing that the property of the Power Company shall not be acquired by condemnation, and that a Peoples Power Commission shall not be appointed until the purchase or appropriation of the Power Company shall have been authorized by a vote of the people. This petition was drafted by Mr. Heinisch, and Mr. Henry Monsky. The "On Guard" Committee was active in the circulation of these petitions, and much of the work was done by employees of the Nebraska Power Company. During the early part of August, some forty notary public commissions were issued to employees of the Nebraska Power Company, all the arrangements for such commissions being made by an agent of the Company. Most of the signatures on these petitions were notarized by the employees of the Power Company who had just received their notary commissions.

(9) Initiative Petition No. 322 referred to above, in its statement of particulars, does not present to the voters a clear or proper picture of the issues involved. Specifically, the petition appears to be misleading or confusing in the following respects:

(a) In the third "WHEREAS" clause, it is asserted that the amendment relating to condemnation was adopted in the closing days of the legislative session. The record discloses that this amendment was adopted six weeks before the end of the session.

(b) In the same clause it is asserted, without reservation, that this amendment takes away the right of the electorate to determine through their votes the question as to whether or not the electric utility serving Omaha should be acquired by condemnation. This is a mere legal opinion, and one upon which the authorities differ.

(c) The petition did not ask for a vote on the question as to whether or not the electric utility should be acquired. It simply asked for negative action—, that is, it proposed that the Mayor and Council should take no action under Legislative Bill No. 204 unless such action is first authorized by an election.

(10) The President of the Nebraska Power Company testified at the Omaha hearings that he was in favor of Legislative Bill No. 204, as introduced, because he was interested in keeping the Consumers

Public Power District out of Omaha. There was no provision in the bill as introduced which would accomplish that purpose. All persons who testified that they oppose the establishment of a Peoples Power Commission said, nevertheless, that they regard Legislative Bill No. 204 as a protection to the people of Omaha, and do not desire to have it repealed.

(11) The person who appears on the radio as "Earl Lawrence" in the program entitled "The Other Side of the News," is one Lawrence Forsythe, of Omaha, Nebraska. In broadcasting this program, he is acting as an employee of, and is paid by, the Nebraska Power Company. The script which he uses is prepared by the firm of Bozell and Jacobs, an advertising agency employed by the Nebraska Power Company, and the name of "Earl Lawrence" was assumed for the program at the direction of Bozell and Jacobs.

(12) In 1917, when the American Power and Light Company acquired control of the Omaha Electric Light and Power Company, and formed the new Nebraska Power Company, the value of the property was "written up" from $6,883,896.37 to $13,500,000. The present book value of the property is in excess of $40,000,000. According to the Treasurer of the Nebraska Power Company, the "write up" in 1917 was based upon an estimate of the actual value of the property at that time. He further testified that all subsequent increases in valuation are represented by expenditures for new property.

(13) When the American Power and Light Company organized the Nebraska Power Company, it issued securities of the par value of $10,500,000, as follows: (1) $1,500,000 unsecured notes; (2) $4,000,000 in first and second preferred stock (with voting privileges); and (3) $5,000,000 common stock (50,000 shares at $100.00 par value). It has since disposed of 10.2 per cent of the common stock, and of all securities other than common stock, retaining 89.8 per cent of the common stock, or less than half of the original voting stock of the company. In 1926, however, the 50,000 shares of common stock were converted into 1,000,000 shares of non-par value stock, multiplying the voting shares of holders of common stock twenty-fold. Thus, the 89.8 per cent of common stock held by the American Power and Light Company gives it an overwhelming majority of total voting shares.

(14) The original directors of the Nebraska Power Company were permitted to buy up to 250 shares of common stock at $10.00 per share. Those who availed themselves of this privilege, and who have retained their stock, now own 5,000 shares, at an original investment of $2,500.00, for which they now receive dividends of approximately $5,000 a year. The American Power and Light Company holds an option upon this

stock, and can call it at any time at a total purchase price of $6,250.00, or a small fraction of its present value.

(15) In light of the evidence presented and the opinions expressed, the sub-committee believes that the final decision as to whether or not the electric utility serving the Omaha territory shall be acquired by a Peoples Power Commission should be determined by a vote of the electorate, under the provisions of Legislative Bill No. 204.

(16) Since the conclusion of the hearings in Omaha, the members of the Peoples Power Commission have been appointed. In order to avoid the difference of interpretation as to whether Legislative Bill No. 204 requires a vote in case of acquisition by condemnation, the Peoples Power Commission, on October 1, 1943, adopted a resolution reading, in part, as follows:

> "Be it further resolved that this Commission will not acquire an existing electric light and power plant, either by purchase at a negotiated price or by condemnation without first submitting such proposed acquisition to a vote of the electors of the City of Omaha."

(signed) Walter R. Raecke
Chairman
(signed) Sidney J. Cullingham
(signed) Martin J. Mischke
(signed) Daniel Garber

When the Clerk had read the first report, Mr. Raecke asked that consent be granted to omit the reading of the second.

No objection was offered. So ordered.

**MOTION—To Suspend Rules**

Mr. Klaver moved to suspend the rules and proceed with final reading of L. B. 3 and L. B. 6.

The motion prevailed with 35 ayes, no nays, 8 not voting.

**BILLS ON FINAL READING**

The following bills were read and put upon passage:

**LEGISLATIVE BILL 3.** With emergency clause

A bill for an act to amend Section 70-709, C. S. Supp., 1941, relating to public power and public power and irrigation districts; to require all bonds sought to be issued by any such district to be offered at public sale; to require public notice to be given thereof and prescribe the manner thereof; to prescribe the procedure for sale of such bonds; to provide for registration of all bonds issued by any such district with the Auditor of Public Accounts; to repeal original Section 70-709, C. S. Supp., 1941; and to declare an emergency.

Whereupon the president stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' ".

Voting in the affirmative, 30:

Anderson, D. S., Anderson, James H., Asimus, Brodahl, Burnham, Conklin, Crosby, Crossland, Cullingham, Dooley, Foster, Gantz, Gutoski, Heiliger, Hubka, Hutton, Jeffords, Klaver, Lee, Matzke, Mekota, Mischke, Mueller, Ogden, Peterson, Raecke, Rakow, Reavis, Russell, Tvrdik.

Voting in the negative, 4:

Doyle, Garber, Neubauer, Sorrell.

Not voting, 9:

Carmody, Craven, Hanna, Jeppesen, Norman, Osborne, Thomas, Thompson, Weborg.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Explanations of Vote**

Mr. President: Due to the fact that we have set these organizations up under a board of directors system elected by the people, I object to the Legislature running them from the side lines. I object to business being run from swivel chairs.

(Signed) Doyle

Mr. President: I voted no on L. B. 3 because it doesn't give the Board of Directors the right to consider a proposition from a fiscal

agent, at the same time as it does from the so called public, which hampers competition.

(Signed) Sorrell

**LEGISLATIVE BILL 6.** With emergency clause

A bill for an act to amend Section 6, Chapter 90, Session Laws of Nebraska, 1943, relating to the salary to be paid to county surveyor in counties having a population of more than seventeen thousand and not more than twenty thousand inhabitants; to provide for the payment of county surveyor in such counties upon such per diem as may be fixed by the county board; to repeal the original section; and to declare an emergency.

Whereupon the president stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 35:

Anderson, D. S., Anderson, James H., Asimus, Brodahl, Carmody, Conklin, Crosby, Crossland, Cullingham, Dooley, Doyle, Foster, Gantz, Garber, Gutoski, Heiliger, Hubka, Hutton, Jeffords, Klaver, Lee, Matzke, Mekota, Mischke, Mueller, Neubauer, Norman, Ogden, Peterson, Raecke, Rakow, Reavis, Russell, Thomas, Tvrdik.

Voting in the negative, 1:

Sorrell.

Not voting, 7:

Burnham, Craven, Hanna, Jeppesen, Osborne, Thompson, Weborg.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**MOTION—Good Friday**

Mr. Brodahl moved that the Chaplain be instructed to hold a short Good Friday service immediately after roll call tomorrow morning.

The motion prevailed.

## STANDING COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 3.** Correctly enrolled.

**LEGISLATIVE BILL 6.** Correctly enrolled.

(Signed) James H. Anderson, Chairman

### President Signs

While the Legislature was in session and capable of transacting business, the President signed:

Legislative Bill 3 Legislative Bill 6

Legislative Resolution 2

Legislative Resolution 3

### Visitor

On motion by Mr. James H. Anderson, the President appointed Messrs. Tvrdik, Peterson and Hutton to invite Mr. H. G. Greenamyre, a former member, now serving as private secretary to the Governor, to visit the Legislature. The committee withdrew and subsequently escorted Mr. Greenamyre to the Legislative chamber, where he addressed the members briefly.

### Adjournment

At 3:30 p.m. on motion by Mr. Foster the Legislature adjourned.

Hugo F. Srb
Clerk of the Legislature.

# ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska

Friday, April 7, 1944

Pursuant to adjournment the Legislature met at 9:00 a.m. President Johnson presiding.

Prayer was offered by The Reverend Tom C. Osborne, a member of the Legislature.

The roll was called and all members were present except Messrs. Hanna and Thompson.

The Journal for the Tenth Day was approved.

**PROGRAM—Good Friday**

The Reverend L. L. Chambers, Chaplain, delivered a fitting Good Friday address to the assembly.

The Reverend O. J. Burckhardt closed the program with prayer.

**STANDING COMMITTEE REPORTS**

**Enrollment and Review**

**LEGISLATIVE BILL 3.** Presented to Governor for approval April 7, 1944 at 8:45 a. m.

**LEGISLATIVE BILL 6.** Presented to Governor for approval April 7, 1944 at 8:45 a. m.

**MOTION—To Approve**

Mr. President: I move that the employees employed by the Legislative Administration Committee be approved.

(Signed) Klaver

The motion prevailed.

**MOTION—To Suspend Rules**

Mr. James H. Anderson moved to suspend the rules and consider bills on Final Reading at once.

The motion prevailed with 32 ayes, no nays, 11 not voting.

**BILLS ON FINAL READING**

The following bill was read and put upon passage:

**LEGISLATIVE BILL 1.**

A bill for an act to amend sections 32-301, 32-812, 32-918, 32-921, 32-925, 32-927, 32-1011, 32-1110, 32-1128, 32-1129, 32-1132, 32-1158 and 32-1165, Compiled Statutes of Nebraska, 1929; sections 32-503, 32-803, 32-804, 32-805, 32-806, 32-807, 32-808, 32-817, 32-1107, 32-1108, 32-1112, 32-1124, 32-1127, 32-1133, 32-1134, 32-1135, 32-1159, 32-1201, 32-1205 32-1208, 32-1405, 32-1515 and 32-1812, C. S. Supp., 1941; section 1, Chapter 80, Session Laws of Nebraska, 1943, and sections 2, 3 and 4, Chapter 77, Session Laws of Nebraska, 1943, relating to elections; to amend and alter the time in which acts may be done under the election laws in order to provide adequate time for exercise of the election franchise by absent voters; to prescribe certain changes in the procedure and regulations in regard to elections and voting at such elections; to prescribe certain duties and procedure for certain officers and boards with reference to elections; to provide the time within which application for absent voter's ballot may be made; to provide that absent voters' ballots shall be ready for delivery to the voter not less than forty days before election; to provide the time within which absent voters' ballots must be returned; to provide the days when county and state canvassing boards shall meet; to provide that the county clerk or election commissioner shall transmit to the Secretary of State the abstract of all votes cast for members of the Legislature; to provide that the Secretary of State

shall issue certificates of election to those elected members of the Legislature; to provide final dates when candidates may file for office; to provide the dates when primary elections shall be held; to provide filing fees for candidates; and to repeal said original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Anderson, D. S., Anderson, James H., Asimus, Brodahl, Burnham, Carmody, Conklin, Craven, Crosby, Crossland, Cullingham, Dooley, Doyle, Foster, Gantz, Garber, Gutoski, Heiliger, Hubka, Hutton, Jeffords, Jeppesen, Klaver, Lee, Matzke, Mekota, Mischke, Mueller, Neubauer, Norman, Ogden, Osborne, Peterson, Raecke, Rakow, Reavis, Russell, Sorrell, Thomas, Tvrdik, Weborg.

Voting in the negative, 0.

Not voting, 2:

Hanna, Thompson.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**MOTION—To Send Flowers**

Mr. Matzke moved that flowers be sent to Mrs. Arthur Carmody, who is ill.

The motion prevailed.

**Approved by the Governor**

April 7, 1944.

To the President, the Speaker, and
Members of the Legislature.

Gentlemen:

I have been requested by Governor Dwight Griswold to inform your honorable body that he has this day approved the following bills, viz:

L. B. 3 L. B. 6

On April 6, 1944, the Governor approved L. B. 4.

Respectfully submitted,
(Signed) H. G. Greenamyre,
Secretary to the Governor.

**Visitor**

Speaker Crosby introduced Mr. William H. Diers, a former Speaker of the Legislature.

**BILLS ON FINAL READING (Continued)**

The following bills were read and put upon passage:

**LEGISLATIVE BILL 2.** With emergency clause

A bill for an act to amend Sections 3, 4, 8, 15 and 17, Chapter 115, Session Laws of Nebraska, 1943, relating to the preparation, printing and publication of the Revised Statutes of Nebraska, 1943; to provide for the inclusion therein of all laws passed at the Fifty-Seventh (Extraordinary) Session of the Nebraska State Legislature; to authorize changes in the printing and binding specifications thereof; to provide for publication thereof in four volumes instead of three; to confer further and additional powers upon the 1943 Statute Commission with reference to contracting for the printing and binding thereof; to provide an appropriation; to repeal original Sections 3, 4, 8, 15 and 17, Chapter 115, Session Laws of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Anderson, D. S., Anderson, James H., Asimus, Brodahl, Burnham, Conklin, Craven, Crosby, Crossland, Cullingham, Dooley, Doyle, Foster, Gantz, Garber, Gutoski, Heiliger, Hubka, Hutton, Jeffords, Jeppesen, Klaver, Lee, Matzke, Mekota, Mischke, Mueller, Norman, Ogden, Osborne, Peterson, Raecke, Rakow, Reavis, Russell, Sorrell, Thomas, Tvrdik, Weborg.

Voting in the negative, 0.

Not voting, 4:

Carmody, Hanna, Neubauer, Thompson.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 5.** With emergency clause

A bill for an act to amend Section 70-705, C. S. Supp., 1941, as amended by Section 2, Chapter 146, Session Laws of Nebraska, 1943, relating to public power and public power and irrigation districts; to prohibit payment of fees or other compensation to any agent of any such district in connection with the acquisition of property where such fees or compensation increase with the amount of the purchase price of the property acquired; to require all payments of compensation to any such agent in excess of ten thousand dollars during any one year to be approved by two-thirds or more of the members of the board of directors, and to be published in a prescribed manner; to provide penalties for the violation of this act; to repeal original Section 70-705, C. S. Supp., 1941, as amended by Section 2, Chapter 146, Session Laws of Nebraska, 1943; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 31:

Anderson, D. S., Anderson, James H., Asimus, Brodahl, Burnham, Conklin, Craven, Crosby, Crossland, Cullingham, Dooley, Foster, Gantz, Gutoski, Heiliger, Hubka, Hutton, Klaver, Lee, Matzke, Mekota, Mischke, Mueller, Ogden, Osborne, Peterson, Raecke, Rakow, Reavis, Russell, Tvrdik.

Voting in the negative, 3:

Doyle, Garber, Sorrell.

Not voting, 9:

Carmody, Hanna, Jeffords, Jeppesen, Neubauer, Norman, Thomas, Thompson, Weborg.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**Explanation of Vote**

Mr. President: Due to the fact that we have set these organizations up under a board of directors system elected by the people, I object to the Legislature running them from the side lines. I object to business being run from swivel chairs.

(Signed) Doyle

## STANDING COMMITTEE REPORTS

**Enrollment and Review**

**LEGISLATIVE BILL 1.** Correctly enrolled.

**LEGISLATIVE BILL 2.** Correctly enrolled.

**LEGISLATIVE BILL 5.** Correctly enrolled.

(Signed) James H. Anderson, Chairman

**President Signs**

While the Legislature was in session and capable of transacting business, the President signed:

L. B. 1 L. B. 2 L. B. 5

**Enrollment and Review (Continued)**

**LEGISLATIVE BILL 1.** Presented to Governor for approval April 7, 1944 at 12:00 m.

**LEGISLATIVE BILL 2.** Presented to Governor for approval April 7, 1944 at 12:00 m.

**LEGISLATIVE BILL 5.** Presented to Governor for approval April 7, 1944 at 12:00 m.

(Signed) James H. Anderson, Chairman

**Communications**

A letter was read from J. W. Lundy thanking the members for the opportunity to serve them again as Sergeant-at-arms.

**MOTION—To Retain Help**

Mr. President: I move that the Clerk of the Legislature be directed to retain such help as may be required to check the bills and otherwise complete the business of the office for the Fifty-seventh (Extraordinary) Session of the Legislature.

(Signed) Klaver

The motion prevailed.

**MOTION—To Approve Journal for Eleventh Day**

Mr. President: I move that the Legislative Journal for the Eleventh Day be approved as prepared by the Clerk.

(Signed) Mischke

The motion prevailed.

**MOTION—Session Laws and Legislative Journals**

Mr. President: I move that the Clerk of the Legislature be instructed to send to each member of the Legislature, to the Lieutenant Governor and to each authorized member of the Press, assigned to the Legislature for the Fifty-seventh (Extraordinary) Session, a copy of the permanent Legislative Journal of said session and a copy of the Session Laws passed thereat.

(Signed) Tvrdik

The motion prevailed.

**Approved by the Governor**

April 7, 1944.

To the President, the Speaker and
Members of the Legislature.

Gentlemen:

I have been requested by Governor Dwight Griswold to inform your honorable body that he has this day approved the following bills, viz:

L. B. 1 L. B. 2 L. B. 5

Respectfully submitted,
(Signed) H. G. Greenamyre,
Secretary to the Governor

**MOTION—To Appoint Committee to Notify Governor**

Mr. President: I move that a committee of five be appointed to wait upon the Governor to advise him that the Legislature has completed its work and is ready to adjourn and ask him if he has any further message for the Legislature.

(Signed) James H. Anderson

The motion prevailed and the President appointed the following members to serve upon said committee:

James H. Anderson Daniel Garber J E Conklin
Cliff N. Ogden John E. Mekota

The committee retired and subsequently returned escorting Governor Dwight Griswold who addressed the members briefly and thanked them for the expeditious manner in which they had accomplished the work of the extraordinary session.

**Adjournment**

Mr. President: The Fifty-seventh (Extraordinary) Session of the Legislature of Nebraska having finished all business before it, I move that it now (12:12 p.m.) adjourn sine die.

(Signed) Fred A. Mueller

The motion prevailed.

Hugo F. Srb
Clerk of the Legislature.

## CERTIFICATE

I, Hugo F. Srb, Clerk of the Legislature, hereby certify that the foregoing is a true and correct copy of the Legislative Journal of the Fifty-seventh (Extraordinary) Session of the Legislature of the State of Nebraska convened and held in the city of Lincoln, State of Nebraska, March 27, 1944 to April 7, 1944.

Lincoln, Nebraska
May 4, 1944

(Signed) Hugo F. Srb
Clerk of the Legislature

## REPORT ON SALARIES OF LEGISLATIVE EMPLOYEES

From March 27 to April 8, incl. 1944

| Employee | Position | Rate of Pay | Amount | Over-time | Total |
|---|---|---|---|---|---|
| J. W. Lundy | Sgt-at-arms | $ 5.00 da | | | 60.00 |
| Clarence Linch | Asst. Sgt-at-arms | 4.50 da | | | 49.50 |
| L. L. Chambers | Chaplain | 4.50 da | | | 49.50 |
| Martin L. Pedersen | Postmaster | 4.50 da | | | 49.50 |
| Clarence Davis | Atty. for E and R | 25.00 da | | | 100.00 |
| Lyda Hafer | Journal Clerk | 8.00 da | 96.00 | 3.00 | 99.00 |
| Barbara Payne | Asst. Journal Clerk | 5.00 da | | | 37.50 |
| Juanita DeArmond | Chief Engrossing Clk. | 8.00 da | 96.00 | 17.50 | 113.50 |
| Jo Fisher | Engrossing Clerk | 5.00 da | 47.50 | 1.56 | 49.06 |
| Clara Turbyfill | Office Assistant | 6.00 da | 72.00 | 12.00 | 84.00 |
| Nellie Von Dorn | Committee Clerk | 8.00 da | 96.00 | 17.00 | 113.00 |
| Mildred Faulkner | Secy. to Lt. Gov. | 5.00 da | | | 55.00 |
| Orma Hull Kline | Proofreader | .65 hr | | | 46.80 |
| Grace Leavitt | Proofreader | .65 hr | | | 46.80 |
| Patricia Anstine | Stenographer | .65 hr. | | | 40.95 |
| Eunice France | Stenographer | .65 hr | | | 10.40 |
| Marjorie Turner | Stenographer | .65 hr | | | 1.95 |
| Irene Czaplinski | Stenographer | 5.00 da | 55.00 | 1.25 | 56.25 |
| Fred Martin | Chief Clk. Bill Room | 5.00 da | | | 55.00 |

| | | | | | |
|---|---|---|---|---|---|
| Gus Neumann | Clerk Bill Room | 4.50 da | | | 45.00 |
| Elizabeth Sheehan | Telephone Attendant | 4.00 da | 44.00 | 7.00 | 51.00 |
| Bar Bara Jones | Page | 4.00 da | 44.00 | .50 | 44.50 |
| Rose Marie Griffith | Page | 4.00 da | | | 44.00 |
| Mary Margaret Weis | Page | 4.00 da | | | 44.00 |
| Fred C. Ware | Custodian | 4.00 da | | | 44.00 |
| O. J. Burckhardt | Custodian | 4.00 da | 48.00 | 15.00 | 63.00 |
| | | TOTAL | | | $1,453.21* |

* Deducted from this amount on account of withholding tax.....$ 137.68

Sam Klaver, Chairman
Legislative Administration

## STANDING COMMITTEES OF THE LEGISLATURE

Fifty-seventh (Extraordinary) Session

**Agriculture**—Neubauer, Chairman

| | | |
|---|---|---|
| Carmody | Sorrell | Burnham |
| Thomas | Jeppesen | D. S. Anderson |
| Dooley | Weborg | |

**Appropriations**—Mueller, Chairman

| | | |
|---|---|---|
| Reavis | Tvrdik | Jeffords |
| Heiliger | Brodahl | Hutton |
| Garber | Crossland | |
| Norman | Hanna | |

**Banking, Commerce & Insurance**—Peterson, Chairman

| | | |
|---|---|---|
| Conklin | Ogden | Doyle |
| Hubka | Lee | Osborne |
| Gutoski | Mischke | |

**Claims & Deficiencies**—Mekota, Chairman

| | | |
|---|---|---|
| Carmody | Rakow | D. S. Anderson |
| Cullingham | | |

**Committee on Committees**—Tvrdik, Chairman

| | | |
|---|---|---|
| Peterson | Reavis | Neubauer |
| Gutoski | Norman | Dooley |
| Brodahl | Mischke | Crossland |
| Gantz | Doyle | Mueller |

**Education**—Matzke, Chairman

| | | |
|---|---|---|
| Peterson | Ogden | Osborne |
| Neubauer | Mischke | Asimus |
| Dooley | Weborg | |

**Enrollment & Review**—James H. Anderson, Chairman

| | | |
|---|---|---|
| Russell | Matzke | Asimus |
| Foster | | |

**Government**—Doyle, Chairman

| | | |
|---|---|---|
| Conklin | Ogden | Asimus |
| Peterson | Weborg | Osborne |
| Sorrell | Jeppesen | |

**Judiciary**—Gantz, Chairman

| | | |
|---|---|---|
| Hubka | Lee | Crosby |
| Klaver | Raecke | James H. Anderson |
| Gutoski | Thompson | |

**Labor & Public Welfare**—Craven, Chairman

| | | |
|---|---|---|
| Russell | Sorrell | Burnham |
| Conklin | Foster | Doyle |
| Thomas | Jeppesen | |

**Legislative Administration**—Klaver, Chairman

| | | |
|---|---|---|
| Russell | Rakow | Osborne |
| Carmody | | |

**Order & Arrangement**—

| | | |
|---|---|---|
| Neubauer | Matzke | Foster |
| Mueller | Doyle | Mischke |
| Peterson | Gantz | Raecke |
| Mekota | Craven | |

**Public Health & Miscellaneous Subjects**—Foster, Chairman

| | | |
|---|---|---|
| Thomas | Russell | Rakow |
| Mekota | | |

**Public Works**—Mischke, Chairman

| | | |
|---|---|---|
| Neubauer | Cullingham | Burnham |
| Carmody | Dooley | D. S. Anderson |
| Craven | Matzke | |

**Reference**

Johnson, Lieutenant Governor Crosby, Speaker
Tvrdik, Chairman Committee on Committees

**Revenue**—Raecke, Chairman

| | | |
|---|---|---|
| Mekota | Cullingham | Crosby |
| Craven | Rakow | Gantz |
| Klaver | Thompson | |

**Rules**—Sorrell, Chairman

| | | |
|---|---|---|
| Hubka | Lee | Crosby |
| Cullingham | | |

# CHRONOLOGY OF BILLS

**Fifty-seventh (Extraordinary) Session**

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| | | | |
|---|---|---|---|
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**LEGISLATIVE BILL 4 By Committee on Appropriations**


| | | | |
|---|---|---|---|
| Mar. | 27 | Read first time | 17 |
| Mar. | 27 | Placed on General File | 18 |
| Mar. | 30 | Referred for review | 26 |
| Mar. | 31 | Placed on Select File | 34 |
| Apr. | 1 | Referred for engrossment | 38 |
| Apr. | 3 | Correctly engrossed | 50 |
| Apr. | 5 | Final reading | 66 |
| Apr. | 5 | Correctly enrolled. Signed by Speaker | 69 |
| Apr. | 6 | Presented to Governor | 70 |
| Apr. | 6 | Approved by Governor | 85 |


**LEGISLATIVE BILL 5 By James H. Anderson**


| | | | |
|---|---|---|---|
| Mar. | 27 | Read first time | 17 |
| Mar. | 27 | Referred to Committee on Public Works | 18 |
| Mar. | 27 | Notice of hearing | 18 |
| Mar. | 31 | Placed on General File | 29 |
| Apr. | 1 | Read and considered. Laid over | 39, 40 |
| Apr. | 3 | Referred for review | 41 |
| Apr. | 4 | Placed on Select File | 54 |

| | | Page |
|---|---|---|
| Apr. 4 | Referred for engrossment | 56 |
| Apr. 5 | Returned to Select File | 67 |
| Apr. 5 | Referred for engrossment | 67 |
| Apr. 5 | Correctly engrossed | 69 |
| Apr. 7 | Final reading | 87 |
| Apr. 7 | Correctly enrolled. Signed by President | 88 |
| Apr. 7 | Presented to Governor | 88 |
| Apr. 7 | Approved by Governor | 89 |


**LEGISLATIVE BILL 6 By Crosby**


| | | |
|---|---|---|
| Mar. 27 | Read first time | 17 |
| Mar. 27 | Referred to Committee on Public Health and Miscellaneous Subjects | 18 |
| Mar. 27 | Notice of hearing | 18 |
| Mar. 28 | Request, introducer | 20 |
| Mar. 30 | Placed on General File | 24 |
| Mar. 30 | Referred for review | 26 |
| Mar. 31 | Placed on Select File | 34 |
| Apr. 1 | Referred for engrossment | 39 |
| Apr. 3 | Correctly engrossed | 50 |
| Apr. 4 | Returned to Select File | 56 |
| Apr. 4 | Referred for re-engrossment | 56 |
| Apr. 4 | Correctly re-engrossed | 61 |
| Apr. 6 | Final reading | 81 |
| Apr. 6 | Correctly enrolled. Signed by President | 82 |
| Apr. 7 | Presented to Governor | 84 |
| Apr. 7 | Approved by Governor | 85 |

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